

# LAW OF THE SEA BULLETIN

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OFFICE FOR OCEAN AFFAIRS AND THE LAW OF THE SEA



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I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Table of signatures and ratifications as of 1 December 1989

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE <u>a/</u>	CONVENTION RATIFICATION
Afghanistan		18/3/83	
Albania			
Algeria * <u>b/</u>	x	x	
Angola *	x	x	
Antigua and Barbuda		7/2/83	2/2/89
-----			
Argentina *		5/10/84	
Australia	x	x	
Austria	x	x	
Bahamas	x	x	29/7/83
Bahrain	x	x	30/5/85
-----			
Bangladesh	x	x	
Barbados	x	x	
Belgium *	x	5/12/84	
Belize	x	x	13/8/83
Benin	x	30/8/83	
-----			
Bhutan	x	x	
Bolivia *		27/11/84	
Botswana	x	5/12/84	
Brazil * ** <u>c/</u>	x	x	22/12/88
Brunei Darussalam <u>d/</u>		5/12/84	
-----			
Bulgaria	x	x	
Burkina Faso	x	x	
Burundi	x	x	
Byelorussian SSR *	x	x	
Cameroon	x	x	19/11/85
-----			
Canada	x	x	
Cape Verde * **	x	x	10/8/87
Central African Republic		4/12/84	
Chad	x	x	
Chile *	x	x	
-----			
China	x	x	
Colombia	x	x	
Comoros		6/12/84	
Congo	x	x	
Costa Rica *	x	x	
-----			

STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Côte d'Ivoire	x	x	26/3/84
Cuba * **	x	x	15/8/84
Cyprus	x	x	12/12/88
Czechoslovakia	x	x	
Democratic Kampuchea		/7/83	
-----			
Democratic People's Rep. of Korea	x	x	
Democratic Yemen **	x	x	21/7/87
Denmark	x	x	
Djibouti	x	x	
Dominica		28/3/83	
-----			
Dominican Republic	x	x	
Ecuador	x		
Egypt **	x	x	26/8/83
El Salvador		5/12/84	
Equatorial Guinea	x	30/1/84	
-----			
Ethiopia	x	x	
Fiji	x	x	10/12/82
Finland *	x	x	
France *	x	x	
Gabon	x	x	
-----			
Gambia	x	x	22/5/84
German Democratic Republic *	x	x	
Germany, Federal Republic of	x		
Ghana	x	x	7/6/83
Greece *	x	x	
-----			
Grenada	x	x	
Guatemala		8/7/83	
Guinea *		4/10/84	6/9/85
Guinea-Bissau **	x	x	25/8/86
Guyana	x	x	
-----			
Haiti	x	x	
Holy See	x		
Honduras	x	x	
Hungary	x	x	
Iceland **	x	x	21/6/85
-----			



STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
India	x	x	
Indonesia	x	x	3/2/86
Iran (Islamic Republic of) *	x	x	
Iraq *	x	x	30/7/85
Ireland	x	x	
-----			
Israel	x		
Italy *	x	7/12/84	
Jamaica	x	x	21/3/83
Japan	x	7/2/83	
Jordan	x		
-----			
Kenya	x	x	2/3/89
Kiribati			
Kuwait **	x	x	2/5/86
Lao People's Democratic Republic	x	x	
Lebanon		7/12/84	
-----			
Lesotho	x	x	
Liberia	x	x	
Libyan Arab Jamahiriya	x	3/12/84	
Liechtenstein		30/11/84	
Luxembourg *	x	5/12/84	
-----			
Madagascar		25/2/83	
Malawi		7/12/84	
Malaysia	x	x	
Maldives	x	x	
Mali *		19/10/83	16/7/85
-----			
Malta	x	x	
Mauritania	x	x	
Mauritius	x	x	
Mexico	x	x	18/3/83
Monaco	x	x	
-----			
Mongolia	x	x	
Morocco	x	x	
Mozambique	x	x	
Myanmar e/	x	x	
Nauru	x	x	
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STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Nepal	x	x	
Netherlands	x	x	
New Zealand	x	x	
Nicaragua *		9/12/84	
Niger	x	x	
-----			
Nigeria	x	x	14/8/86
Norway	x	x	
Oman * **	x	1/7/83	17/8/89
Pakistan	x	x	
Panama	x	x	
-----			
Papua New Guinea	x	x	
Paraguay	x	x	26/9/86
Peru	x		
Philippines * **	x	x	8/5/84
Poland	x	x	
-----			
Portugal	x	x	
Qatar *		27/11/84	
Republic of Korea	x	14/3/83	
Romania *	x	x	
Rwanda	x	x	
-----			
Saint Kitts and Nevis f/		7/12/84	
Saint Lucia	x	x	27/3/85
St. Vincent and the Grenadines	x	x	
Samoa	x	28/9/84	
San Marino			
-----			
Sao Tome and Principe *		13/7/83	3/11/87
Saudi Arabia		7/12/84	
Senegal	x	x	25/10/84
Seychelles	x	x	
Sierra Leone	x	x	
-----			
Singapore	x	x	
Solomon Islands	x	x	
Somalia	x	x	24/7/89
South Africa *		5/12/84	
Spain *	x	4/12/84	
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STATES	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Sri Lanka	x	x	
Sudan *	x	x	23/1/85
Suriname	x	x	
Swaziland		18/1/84	
Sweden *	x	x	
-----			
Switzerland	x	17/10/84	
Syrian Arab Republic			
Thailand	x	x	
Togo	x	x	16/4/85
Tonga			
-----			
Trinidad and Tobago	x	x	25/4/86
Tunisia **	x	x	24/4/85
Turkey			
Tuvalu	x	x	
Uganda	x	x	
-----			
Ukrainian SSR *	x	x	
Union of Soviet Socialist Reps. *	x	x	
United Arab Emirates	x	x	
United Kingdom	x		
United Republic of Tanzania **	x	x	30/9/85
-----			
United States of America	x		
Uruguay *	x	x	
Vanuatu	x	x	
Venezuela	x		
Viet Nam	x	x	
-----			
Yemen *	x	x	
Yugoslavia **	x	x	5/5/86
Zaire	x	22/8/83	17/2/89
Zambia	x	x	7/3/83
Zimbabwe	x	x	
-----			
TOTAL STATES	140	155	41

OTHERS (Art. 305(1)(b),(c),(d),(e) and (f))	FINAL ACT SIGNATURE	CONVENTION SIGNATURE	CONVENTION RATIFICATION
Cook Islands	x	x	
European Economic Community *	x	7/12/84	
Namibia (United Nations Council for Namibia)	x	x	18/4/83
Niue		5/12/84	
Trust Territory of the Pacific Islands	x		
West Indies Associated States			
TOTAL STATES AND OTHERS	144	159	42
	===	===	==

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OTHER ENTITIES WHICH SIGNED THE FINAL ACT OF THE CONFERENCE

African National Congress  
Netherlands Antilles  
Palestine Liberation Organization g/  
Pan Africanist Congress of Azania  
South West Africa People's Organization

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a/ Those States which signed the Final Act and/or the Convention on 10 December 1982 are indicated by an "x". Those which signed at a later date are indicated by that date.

b/ Those States which made declarations at the time of signature of the Convention are indicated by an asterisk (\*).

c/ Those States which made declarations at the time of ratification of the Convention are indicated by a double asterisk (\*\*).

d/ Became a member of the United Nations on 18 September 1984.

e/ The name of Burma was officially changed to "Myanmar" as of 18 June 1989.

f/ Became a member of the United Nations on 23 September 1983. Formerly St. Christopher and Nevis.

g/ In accordance with General Assembly resolution 43/177 of 15 December 1988, as of that date, the designation "Palestine" should be used in place of the designation "Palestine Liberation Organization".

B. Chronological order of ratifications of the Convention, giving ratifying State's regional group and apportioned assessment for United Nations expenses, 1989-1991

	<u>Date</u>	<u>State/Entity</u>	<u>Regional group</u>	<u>Per cent assessment*</u>
1.	10 December 1982	Fiji	Asian	0.01
2.	7 March 1983	Zambia	African	0.01
3.	18 March 1983	Mexico	Latin Am./Carib.	0.94
4.	21 March 1983	Jamaica	Latin Am./Carib.	0.01
5.	18 April 1983	Namibia (United Nations Council for Namibia)		
6.	7 June 1983	Ghana	African	0.01
7.	29 July 1983	Bahamas	Latin Am./Carib.	0.02
8.	13 August 1983	Belize	Latin Am./Carib.	0.01
9.	26 August 1983	Egypt	African	0.07
10.	26 March 1984	Côte d'Ivoire	African	0.02
11.	8 May 1984	Philippines	Asian	0.09
12.	22 May 1984	Gambia	African	0.01
13.	15 August 1984	Cuba	Latin Am./Carib.	0.09
14.	25 October 1984	Senegal	African	0.01
15.	23 January 1985	Sudan	African	0.01
16.	27 March 1985	Saint Lucia	Latin Am./Carib.	0.01
17.	16 April 1985	Togo	African	0.01
18.	24 April 1985	Tunisia	African	0.03
19.	30 May 1985	Bahrain	Asian	0.02
20.	21 June 1985	Iceland	West European and Other States	0.03
21.	16 July 1985	Mali	African	0.01
22.	30 July 1985	Iraq	Asian	0.12
23.	6 September 1985	Guinea	African	0.01
24.	30 September 1985	United Rep. of Tanzania	African	0.01
25.	19 November 1985	Cameroon	African	0.01
26.	3 February 1986	Indonesia	Asian	0.15
27.	25 April 1986	Trinidad and Tobago	Latin Am./Carib.	0.05
28.	2 May 1986	Kuwait	Asian	0.29
29.	5 May 1986	Yugoslavia	Eastern European	0.46
30.	14 August 1986	Nigeria	African	0.20
31.	25 August 1986	Guinea-Bissau	African	0.01
32.	26 September 1986	Paraguay	Latin Am./Carib.	0.03
33.	21 July 1987	Democratic Yemen	Asian	0.01
34.	10 August 1987	Cape Verde	African	0.01
35.	3 November 1987	Sao Tome and Principe	African	0.01
36.	12 December 1988	Cyprus	Asian	0.02
37.	22 December 1988	Brazil	Latin Am./Carib.	1.45
38.	2 February 1989	Antigua and Barbuda	Latin Am./Carib.	0.01
39.	17 February 1989	Zaire	African	0.01
40.	2 March 1989	Kenya	African	0.01
41.	24 July 1989	Somalia	African	0.01
42.	17 August 1989	Oman	Asian	0.02

42 ratifications deposited with the Secretary-General

\* See A/43/981, para. 6.

C. Declaration made upon ratification

OMAN

[Original: Arabic]

"Pursuant to the provisions of article 310 of the Convention and further to the earlier declaration by the Sultanate of Oman dated 1 June 1982 concerning the establishment of straight baselines at any point on the coastline of the Sultanate of Oman and the lines enclosing waters within inlets and bays and waters between islands and the coastline, in accordance with article 2 (c) of Royal Decree No. 15/81 and in view of the desire of the Sultanate of Oman to bring its laws into line with the provisions of the Convention, the Sultanate of Oman issues the following declarations:

Declaration No. 1, on the territorial sea

1. The Sultanate of Oman determines that its territorial sea, in accordance with article 2 of Royal Decree No. 15/81 dated 10 February 1981, extends 12 nautical miles in a seaward direction, measured from the nearest point of the baselines.
2. The Sultanate of Oman exercises full sovereignty over its territorial sea, the space above the territorial sea and its bed and subsoil, pursuant to the relevant laws and regulations of the Sultanate and in conformity with the provisions of this Convention concerning the principle of innocent passage.

Declaration No. 2, on the passage of warships through Omani territorial waters

Innocent passage is guaranteed to warships through Omani territorial waters, subject to prior permission. This also applies to submarines, on condition that they navigate on the surface and fly the flag of their home State.

Declaration No. 3, on the passage of nuclear-powered ships and the like through Omani territorial waters

With regard to foreign nuclear-powered ships and ships carrying nuclear or other substances that are inherently dangerous or harmful to health or the environment, the right of innocent passage, subject to prior permission, is guaranteed to the types of vessel, whether or not warships, to which the descriptions apply. This right is also guaranteed to submarines to which the descriptions apply, on condition that they navigate on the surface and fly the flag of their home State.

Declaration No. 4, on the contiguous zone

The contiguous zone extends for a distance of 12 nautical miles measured from the outer limit of the territorial waters, and the Sultanate of Oman exercises the same prerogatives over it as are established by the Convention.

Declaration No. 5, on the exclusive economic zone

1. The Sultanate of Oman determines that its exclusive economic zone, in accordance with article 5 of Royal Decree No. 15/81 dated 10 February 1981, extends 200 nautical miles in a seaward direction, measured from the baselines from which the territorial sea is measured.
2. The Sultanate of Oman possesses sovereign rights over its economic zone and also exercises jurisdiction over that zone as provided for in the Convention. It further declares that, in exercising its rights and performing its duties under the Convention in the exclusive economic zone, it will have due regard to the rights and duties of other States and will act in a manner compatible with the provisions of the Convention.

Declaration No. 6, on the continental shelf

The Sultanate of Oman exercises over its continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources, as permitted by geographical conditions and in accordance with this Convention.

Declaration No. 7, on the procedure chosen for the settlement of disputes under the Convention

Pursuant to article 287 of the Convention,

The Sultanate of Oman declares its acceptance of the jurisdiction of the International Tribunal for the Law of the Sea, as set forth in annex VI to the Convention, and the jurisdiction of the International Court of Justice, with a view to the settlement of any dispute that may arise between it and another State concerning the interpretation or application of the Convention."

II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS  
CONVENTION ON THE LAW OF THE SEA

A. Recent national legislation received from Governments

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1989 No. 482  
TERRITORIAL SEA

THE TERRITORIAL SEA (LIMITS) ORDER 1989\*

At the Court at Buckingham Palace, the 15th day of March 1989, Present,  
The Queen's Most Excellent Majesty in Council,

Her Majesty, in exercise of the powers conferred upon Her by section 1(2)  
of The Territorial Sea Act 1987(a), is pleased, by and with the advice of Her  
Privy Council, to order, and it is hereby ordered as follows:

1. This Order may be cited as The Territorial Sea (Limits) Order 1989 and shall come into force on 6 April 1989.
2. The seaward limit of the territorial sea adjacent to the United Kingdom between Point 1 and Point 6 indicated in the Schedule to this Order shall consist of a series of straight lines joining, in the sequence given, Points 1 to 6 indicated in the Schedule to this Order.
3. The seaward limit of the territorial sea adjacent to the United Kingdom shall be the median line where the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured are less than 24 nautical miles from the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured.
4. In this order:
  - (a) "straight line" means a loxodromic line;
  - (b) all positions given by means of co-ordinates are defined on European Datum (1st Adjustment 1950);
  - (c) "median line" is a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea adjacent to the United Kingdom and the Isle of Man respectively is measured.
5. The Territorial Sea (Limits) Order 1987(b) is hereby revoked.

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\* For text of The Territorial Sea (Limits) Order 1987, see Bulletin  
No. 10 of November 1987.



Schedule

List of points

<u>Point</u>	<u>Position of points</u>	
1	50° 49' 30" 95 N	01° 15' 53" 43 E
2	50° 53' 47" 00 N	01° 16' 58" 00 E
3	50° 57' 00" 00 N	01° 21' 25" 00 E
4	51° 02' 19" 00 N	01° 32' 53" 00 E
5	51° 05' 58" 00 N	01° 43' 31" 00 E
6	51° 12' 00" 72 N	01° 53' 20" 07 E

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the seaward limit of the territorial sea adjacent to the United Kingdom in the Straits of Dover and in the vicinity of the Isle of Man. The limit in the Straits of Dover is constituted by straight lines joining the points indicated in the Schedule and follows the line defined in the Agreement of 2nd November 1988 between the Government of the United Kingdom and the Government of the French Republic (Cm. 557) relating to the Delimitation of the Territorial Sea in the Straits of Dover. The limit in the vicinity of the Isle of Man is the median line.

B. Treaties and other instruments

1. Bilateral treaties

(a) Joint Statement by the United States of America  
and the Union of Soviet Socialist Republics

Since 1986, representatives of the United States of America and the Union of Soviet Socialist Republics have been conducting friendly and constructive discussions of certain international legal aspects of traditional uses of the oceans, in particular, navigation.

The Governments are guided by the provisions of the 1982 United Nations Convention on the Law of the Sea, which, with respect to traditional uses of the oceans, generally constitute international law and practice and balance fairly the interests of all States. They recognize the need to encourage all States to harmonize their internal laws, regulations and practices with those provisions.

The Governments consider it useful to issue the attached Uniform Interpretation of the Rules of International Law Governing Innocent Passage. Both Governments have agreed to take the necessary steps to conform their internal laws, regulations and practices with this understanding of the rules.

Signed at Jackson Hole, Wyoming, on 23 September 1989.

Uniform Interpretation of Norms of International Law  
Governing Innocent Passage

1. The relevant rules of international law governing innocent passage of ships in the territorial sea are stated in the 1982 United Nations Convention on the Law of the Sea (Convention of 1982), particularly in Part II, Section 3.

2. All ships, including warships, regardless of cargo, armament or means of propulsion, enjoy the right of innocent passage through the territorial sea in accordance with international law, for which neither prior notification nor authorization is required.

3. Article 19 of the Convention of 1982 sets out in paragraph 2 an exhaustive list of activities that would render passage not innocent. A ship passing through the territorial sea that does not engage in any of those activities is in innocent passage.

4. A coastal State which questions whether the particular passage of a ship through its territorial sea is innocent shall inform the ship of the reason why it questions the innocence of the passage, and provide the ship an opportunity to clarify its intentions or correct its conduct in a reasonably short period of time.

5. Ships exercising the right of innocent passage shall comply with all laws and regulations of the coastal State adopted in conformity with relevant rules of international law as reflected in articles 21, 22, 23 and 25 of the Convention of 1982. These include the laws and regulations requiring ships exercising the right of innocent passage through its territorial sea to use such sea lanes and traffic separation schemes as it may prescribe where needed to protect safety of navigation. In areas where no such sea lanes or traffic separation schemes have been prescribed, ships nevertheless enjoy the right of innocent passage.

6. Such laws and regulations of the coastal State may not have the practical effect of denying or impairing the exercise of the right of innocent passage as set forth in article 24 of the Convention of 1982.

7. If a warship engages in conduct which violates such laws or regulations or renders its passage not innocent and does not take corrective action upon request, the coastal State may require it to leave the territorial sea, as set forth in article 30 of the Convention of 1982. In such case the warship shall do so immediately.

8. Without prejudice to the exercise of rights of coastal and flag States, all differences which may arise regarding a particular case of passage of ships through the territorial sea shall be settled through diplomatic channels or other agreed means.

(b) Joint Declaration by the Government of the United Kingdom  
of Great Britain and Northern Ireland and  
the Government of the French Republic  
2 November 1988 1/

On the occasion of the signature of the Agreement relating to the delimitation of the territorial sea in the Straits of Dover, 2/ the two Governments agreed on the following declaration:

The existence of a specific régime of navigation in straits is generally accepted in the current state of international law. The need for such a régime is particularly clear in straits, such as the Straits of Dover, used for international navigation and linking two parts of the high seas or economic zones in the absence of any other route of similar convenience with respect to navigation.

In consequence, the two Governments recognize rights of unimpeded transit passage for merchant vessels, state vessels and, in particular, warships following their normal mode of navigation, as well as the right of overflight for aircraft, in the Straits of Dover. It is understood that, in accordance with the principles governing this régime under the rules of international law, such passage will be exercised in a continuous and expeditious manner.

The two Governments will continue to co-operate closely, both bilaterally and through the International Maritime Organization, in the interests of ensuring the safety of navigation in the Straits of Dover, as well as in the southern North Sea and the Channel. In particular, the traffic separation scheme in the Straits of Dover will not be affected by the entry into force of the Agreement.

With due regard to the interests of the coastal States the two Governments will also take, in accordance with international agreements in force and generally accepted rules and regulations, measures necessary in order to prevent, reduce and control pollution of the marine environment by vessels.

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1/ United Kingdom Foreign and Commonwealth Office Press Release, No. 100, of 2 November 1988.

2/ For text of the Agreement see Bulletin No. 13 of May 1989.

(c) Agreement between the Government of the Federal Republic of Germany and the Government of the Union of Soviet Socialist Republics concerning the Prevention of Incidents at Sea outside Territorial Waters

The Government of the Federal Republic of Germany and the Government of the Union of Soviet Socialist Republics,

Desiring to ensure the safety of navigation of ships of their respective armed forces, and of the flight of their military aircraft outside territorial waters,

Desiring, in accordance with the wish expressed in the Treaty of 12 August 1970 between the Federal Republic of Germany and the Union of Soviet Socialist Republics, to contribute to the strengthening of peace and security in Europe and throughout the world,

Acknowledging that dangerous actions prohibited by this Agreement should also not be taken against non-military ships of the Parties,

Guided by the principles and rules of international law,

Have agreed as follows:

Article 1

For the purposes of this Agreement the following definitions shall apply:

1. "Ship" means:

(a) A warship belonging to the armed forces of one of the Parties bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the Government and whose name appears in the appropriate service list or an equivalent document, and manned by a crew which is under regular military discipline;

(b) An auxiliary vessel belonging to the armed forces of one of the Parties and authorized to fly the auxiliary vessel flag where such a flag has been established by the Party concerned;

2. "Aircraft" means any military manned aircraft, excluding spacecraft;

3. "Formation" means an ordered arrangement of two or more ships operating together.

Article 2

The Parties shall take measures to instruct the commanding officers of ships to observe the letter and spirit of the 1972 International Regulations for Preventing Collisions at Sea (hereinafter referred to as the 1972 Collision Regulations). The Parties recognize that freedom to conduct operations outside territorial waters is based on the principles recognized in international law, particularly as set forth in the 1958 Geneva Convention on the High Seas.

Article 3

1. Except when required to maintain course and speed under the 1972 Collision Regulations, ships of the Parties operating in proximity to each other shall in all cases remain well clear to avoid risk of collision.
2. Ships meeting or operating in the vicinity of a formation of the other Party shall, [in compliance with the 1972 Collision Regulations,] avoid manoeuvring in a manner which would hinder the evolutions of the formation.
3. With due regard for other traffic at sea, formations of the Parties shall not conduct manoeuvres in areas where internationally recognized traffic separation schemes are in effect.
4. Ships engaged in surveillance of ships of the other Party shall remain at a distance which avoids the risk of collision and shall also avoid executing manoeuvres which might embarrass or endanger the ships of the other Party. Except when required to maintain course and speed under the 1972 Collision Regulations, a ship engaged in surveillance shall, in the exercise of good seamanship, take positive early action so as not to embarrass or endanger the ships under surveillance.
5. Ships of the two Parties operating within sight of each other shall, in order to indicate their operations and intentions, use the signals (flag, sound and light) provided for in the 1972 Collision Regulations, the International Code of Signals and the Table of Special Signals annexed to this Agreement. At night or in conditions of reduced visibility, or under such conditions of lighting and at such distances that signal flags are undistinguishable, a flashing light or Very High Frequency Radio Channel 16 (156.8 MHz) should be used.
6. Ships of the Parties shall not simulate attacks by aiming guns, missile launchers or torpedo tubes or other weapons at ships or aircraft of the other Party; nor launch any object in the direction of passing ships or aircraft of the other Party in such a manner as to be hazardous to those ships or aircraft or to constitute a hazard to navigation or aircraft in flight; nor use searchlights or other powerful illumination devices for the purpose of illuminating the navigation bridges of ships of the other Party.  
  
Such actions shall also not be taken by ships of each Party in respect of non-military ships of the other Party.
7. When conducting exercises with submerged submarines, supporting ships shall show the appropriate signals prescribed by the International Code of Signals, or in the Table of Special Signals annexed to this Agreement, to warn other ships of the presence of submarines in the area.
8. Ships of one Party when approaching ships of the other Party which, in accordance with rule 3 (g) of the 1972 Collision Regulations, are restricted in their ability to manoeuvre, and particularly ships engaged in launching or landing aircraft as well as ships engaged in replenishment under way, shall take appropriate measures not to hinder manoeuvres of such ships and shall remain well clear.

Article 4

1. Commanders of aircraft of the Parties shall exercise the greatest caution and prudence in approaching aircraft and ships of the other Party, in particular ships engaged in launching or landing aircraft, and, in the interest of mutual safety, shall not permit simulated attacks by the simulated use of weapons against aircraft and ships of the other Party, or the performance of aerobatics over ships of the other Party, or the dropping of any objects near them in such a manner as to be hazardous to ships or hinder navigation.

Such actions shall also not be taken by aircraft of each Party in respect of non-military ships of the other Party.

2. Aircraft of the Parties flying in darkness or under instrument conditions shall, whenever feasible, display navigation lights.

Article 5

The Parties shall take measures to notify the non-military ships of each Party about the provisions of this Agreement directed at securing mutual safety.

Article 6

The Parties shall provide through the established international system of radio broadcasts of information and warnings to mariners, normally not less than five days in advance, notification of actions outside territorial waters which represent a danger to navigation or to aircraft in flight.

Article 7

The Parties shall, without delay, exchange appropriate information concerning instances of collisions, incidents which result in damage, and other incidents at sea between ships and aircraft of the Parties. The Navy of the Federal Republic of Germany shall provide such information through the Naval Attaché or other Military Attaché of the Union of Soviet Socialist Republics in Bonn, and the Navy of the Union of Soviet Socialist Republics shall provide such information through the Naval Attaché or other Military Attaché of the Federal Republic of Germany in Moscow.

Article 8

This Agreement with the Annex thereto shall enter into force one month after its signature. It may be terminated by either Party giving six months written notice of termination to the other Party.

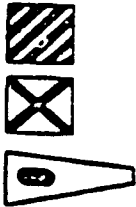
Article 9

Representatives of the Parties shall meet within one year after the date of the signing of this Agreement to review the implementation of its terms and possible ways of further improving the safety of navigation of their ships and flight of their aircraft. Similar consultations shall be held thereafter annually or at more frequent intervals should one of the Parties deem it desirable.

DONE at Moscow on 25 October 1988 in two original copies, each in the German and Russian languages, both texts being equally authentic.

Annex to the Agreement between the Government of the Federal Republic  
of Germany and the Government of the Union of Soviet Socialist  
Republics concerning the Prevention of Incidents at Sea  
outside Territorial Waters

Table of special signals\*

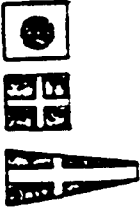
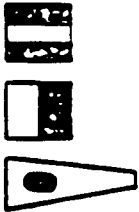
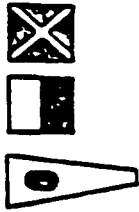
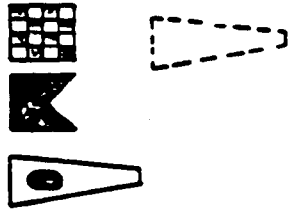
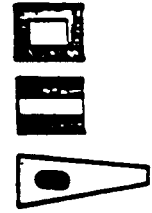


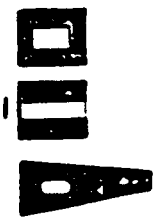
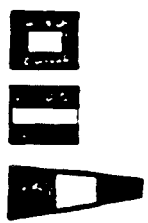
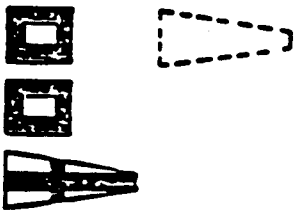
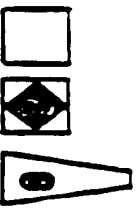
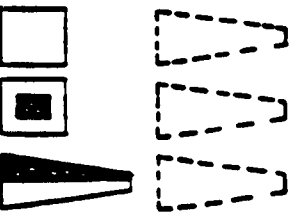
The following signals are to be preceded by code group YVI:

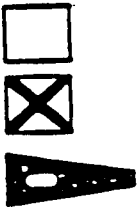
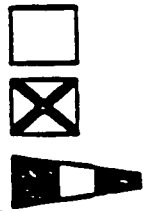
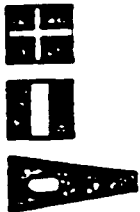
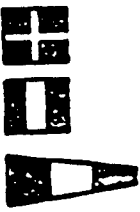
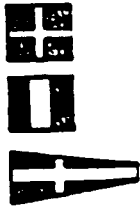
S I G N A L		<u>Meaning of signals</u>
1	2	3
IR1		I am engaged in oceanographic work.
IR2(...)		I am streaming/ towing hydrographic survey equipment ... metres astern.
IR3		I am recovering hydrographic survey equipment.

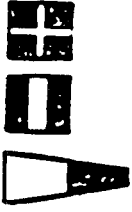
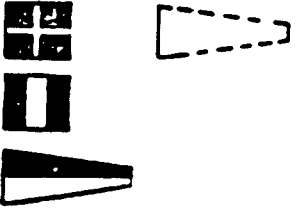
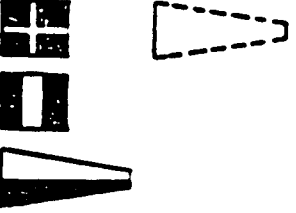
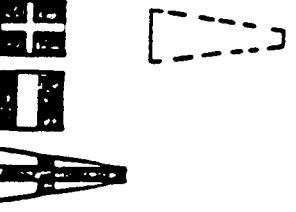
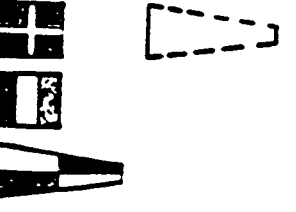
\* Both Parties shall issue mutually agreed instructions for the use of the signals of this Table. The representatives of the Parties may by mutual agreement introduce into this Table necessary alterations and additions.

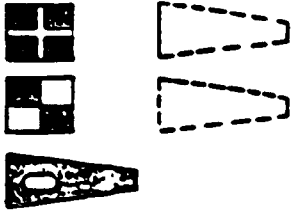
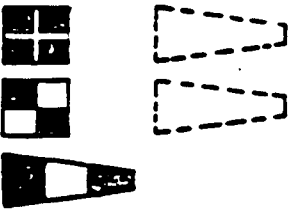
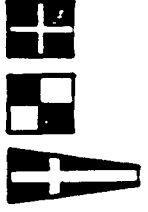
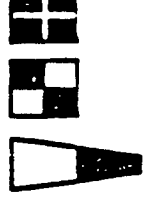
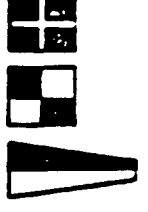


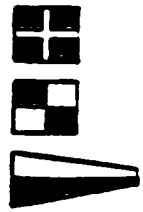
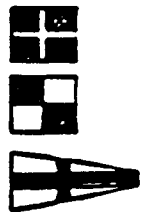
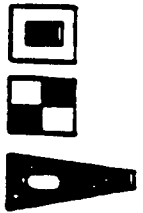
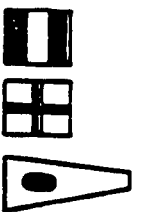
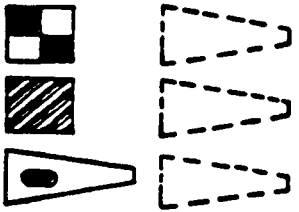
S I G N A L		Meaning of signals
1	2	3
IR4		I am conducting salvage operations.
JH1		I am attempting to retract a grounded vessel.
MH1		Request you not cross my course ahead of me.
NB1(...)		I have my unattached hydrographic survey equipment bearing in a direction from me as indicated ... (Table 3 of ICS).
PJ1		I am unable to alter course to my starboard.

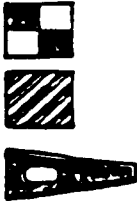

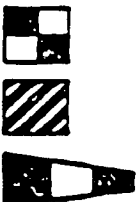

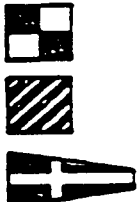

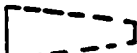

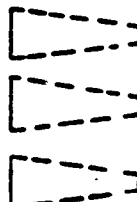
S I G N A L		<u>Meaning of signals</u>
1	2	3
PJ2		<p>I am unable to alter course to my port.</p>
PJ3		<p>Caution, I have a steering casualty.</p>
PP8(...)		<p>Dangerous operations in progress. Request you keep clear of the direction indicated from me ... (Table 3 of ICS).</p>
QF1		<p>Caution, I have stopped the engines.</p>
QS6(...)		<p>I am proceeding to anchorage on course ...</p>

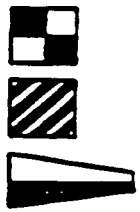
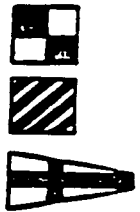
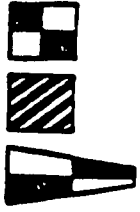
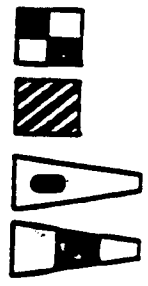
S I G N A L		Meaning of signals
1	2	3
QV2		<p>I am in a fixed multiple leg moor using two or more anchors or buoys fore and aft. Request you remain clear.</p>
QV3		<p>I am anchored in deep water with hydrographic survey equipment streamed.</p>
RT2		<p>I intend to pass you on your port side.</p>
RT3		<p>I intend to pass you on your starboard side.</p>
RT4		<p>I will overtake you on your port side.</p>

S I G N A L		Meaning of signals
1	2	3
RT5		I will overtake you on your starboard side.
RT6(...)		I am manoeuvring (or the formation is manoeuvring). Request you keep clear of the direction indicated from me ... (Table 3 of ICS).
RT7(...)		I shall approach your ship on starboard side to a distance of ... 100s of metres (yards).
RT8(...)		I shall approach your ship on port side to a distance of 100s ... of metres (yards).
RT9(...)		I shall cross astern at a distance of ... 100s of metres (yards).

S I G N A L		Meaning of signals
1	2	3
RU2(...)		I am beginning a port turn in approximately ... minutes.
RU3(...)		I am beginning a starboard turn in approximately ... minutes.
RU4		The formation is preparing to alter course to port.
RU5		The formation is preparing to alter course to starboard.
RU6		I am engaged in manoeuvring exercises. It is dangerous to be inside the formation.

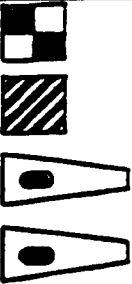
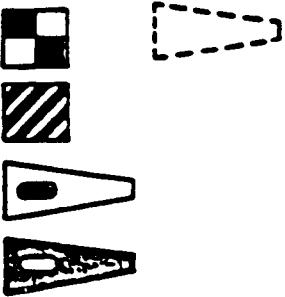
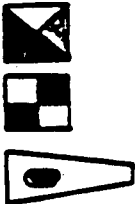
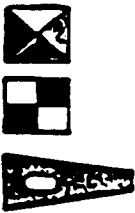
S I G N A L		Meaning of signals
1	2	3
RU7		<p>I am preparing to submerge.</p>
RU8		<p>A submarine will surface within two miles of me within 30 minutes. Request you remain clear.</p>
SL2		<p>Request your course, speed and passing intention.</p>
TX1		<p>I am engaged in fisheries patrol.</p>
UY1(...)		<p>I am preparing to launch/recover aircraft on course ...</p>

S I G N A L		<u>Meaning of signals</u>
1	2	3
UY2(...)	 	<p>I am preparing to conduct missile exercises. Request you keep clear of the direction indicated from me ... (Table 3 of ICS).</p>
UY3(...)	 	<p>I am preparing to conduct gunnery exercises. Request you keep clear of the direction indicated from me ... (Table 3 of ICS).</p>
UY4		<p>I am preparing to conduct/am conducting operations employing explosive charges.</p>
UY5(...)	 	<p>I am manoeuvring in preparation for torpedo launching exercises in a direction from me as indicated ... (Table 3 of ICS).</p>
UY6(...)	 	<p>I am preparing to conduct/am conducting underway replenishment on course. ... Request you remain clear.</p>

S I G N A L		Meaning of signals
1	2	3
UY7		I am preparing to conduct extensive small-boat and ship-to-shore amphibious training operations.
UY8		I am manoeuvring to launch/recover landing craft/boats.
UY9		I am preparing to conduct/am conducting helicopter operations over my stern.
UY10		I am checking gunnery systems.*

\* These signals shall be transmitted by ships when they, routinely or for other technical reasons, test their gunnery and rocket rotating mechanisms.



S I G N A L		Meaning of signals
1	2	3
UY11		I am checking rocket systems.*
UY12(...)		<p>I am preparing to conduct/I am conducting/gunnery exercises/bombing/by aircraft of the towed target.</p> <p>Request you keep clear of the direction indicated from me ...</p> <p>(Table 3 of ICS).</p>
ZL1		I have received and understood your signal.
ZL2		Do you understand? Request acknowledgement.

\* These signals shall be transmitted by ships when they, routinely or for other technical reasons, test their gunnery and rocket rotating mechanisms.

2. Regional treaties and other instruments

(a) The Castries Declaration 1/

[Original: English]

The Authority at Castries, St. Lucia, 20-24 November 1989,

We the Prime Ministers, Deputy Prime Minister, Chief Ministers and other ministers plenipotentiaries constituted as the Authority of the Organization of Eastern Caribbean States (OECS):

Recognizing the increasing importance of marine fisheries to the peoples of the OECS region,

Deeply concerned at the damage being caused to the marine environment by drift nets and other unselective fishing gear in the oceans,

Conscious of the increasing fishing activities of foreign fishing vessels using the drift-net technique in the waters of the OECS region at a time when their use is restricted in certain other regions,

Convinced that any proliferation in the use of these indiscreet, irresponsible and disruptive fishing techniques in the waters of the OECS region can permanently change the nature and abundance of the region's living marine resources,

Considering the provisions of the 1982 United Nations Convention on the Law of the Sea, particularly articles 61, 63, 64, 73, 116, 117, 118 and 119,

Mindful that the indiscriminate use of fishing gear, whether on the high seas or in a coastal State's exclusive economic zone, is inconsistent with legal provisions as enunciated in the United Nations Convention on the Law of the Sea,

Acknowledging the rights and duties of States to ensure the proper management and conservation of the living marine resources in their exclusive economic zones and the mutual interest of all OECS States to collaborate in order to conserve and protect fisheries stocks,

Resolve to seek to establish a regional régime for the regulation and management of the pelagic resources in the Lesser Antilles region that would outlaw the use of drift nets and other disruptive fishing methods by commercial fishing vessels, and call upon other States in the region to co-operate in this regard;

Resolve that all member States of OECS will take all possible measures in the interim to prevent the use of indiscriminate fishing methods in their exclusive economic zones;

Further resolve that member States, acting individually and collectively, will take whatever action possible within relevant regional and international organizations that would contribute towards the global restriction of harmful fishing practices.

Castries, Saint Lucia, 24 November 1989

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1/ A/45/64, annex.

(b) TARAWA DECLARATION 1/

[Original: English]

The South Pacific Forum meeting at Tarawa on 10 and 11 July 1989,

Recognizing the crucial dependence of the Pacific Island peoples on marine resources,

Profoundly concerned at the damage now being done by pelagic drift-net fishing to the economy and environment of the South Pacific region,

Convinced that this indiscriminate, irresponsible and destructive fishing technique threatens the survival of the albacore tuna resource, and so the economic well-being of Forum Island Countries,

Deeply regretting that Japan and Taiwan have failed to respond to the concerns of regional countries about this most serious issue,

Noting that it is in the mutual interest of the major fishing nations active in the region, and the Forum, to conserve fisheries stocks,

Noting also that all countries inside and outside the region are affected by the mismanagement of the resources of the world's oceans, by the environmental dangers of drift-net fishing and by the threat to safe navigation,

Recalling the relevant provisions of the 1982 United Nations Convention on the Law of the Sea, and in particular articles 63, 64, 87, 116, 117, 118 and 119,

Recognizing that the use of drift nets as presently employed in the Southern Pacific Albacore Tuna Fishery is not consistent with international legal requirements in relation to rights and obligations of high seas fisheries conservation and management and environmental principles,

Resolves, for the sake of this and succeeding generations of Pacific peoples, to seek the establishment of a régime for the management of albacore tuna in the South Pacific that would ban drift-net fishing from the region; such a ban might then be a first step to a comprehensive ban on such fishing;

Determines, to this end, to convene an urgent meeting of regional diplomatic, legal and fisheries experts to develop a Convention to give effect to its common resolve to create a zone free of drift-net fishing;

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1/ See A/44/463, annex, para. 34.

Calls upon the international community to support, and co-operate in, the urgent conclusion of a Convention establishing the zone;

Resolves that individual member States of the South Pacific Forum will take all possible measures in the interim to prevent drift-net fishing within their waters, and otherwise actively to discourage the operations of drift-net fishers;

Further resolves that member States, acting individually and collectively, will take what action they can within relevant international organizations to contribute to the cessation of this harmful form of fishing;

Commends the Republic of Korea for its decision to cease drift-net fishing in the region;

Calls upon Japan and Taiwan to follow this example, and abandon immediately their damaging drift-net operations.

Signed at Tarawa, Kiribati, on the eleventh day of July 1989.

(c) CONVENTION FOR THE PROHIBITION OF FISHING WITH  
LONG DRIFT NETS IN THE SOUTH PACIFIC

The Parties to this Convention,

RECOGNISING the importance of marine living resources to the people of the South Pacific region;

PROFOUNDLY CONCERNED at the damage now being done by pelagic drift-net fishing to the albacore tuna resource and to the environment and economy of the South Pacific region;

CONCERNED ALSO for the navigational threat posed by drift-net fishing;

NOTING that the increasing fishing capacity induced by large scale drift-net fishing threatens the fish stocks in the South Pacific;

MINDFUL OF the relevant rules of international law, including the provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, in particular Parts V, VII and XVI;

RECALLING the Declaration of the South Pacific Forum at Tarawa, 11 July 1989, that a Convention should be adopted to ban the use of drift nets in the South Pacific region;

RECALLING ALSO the Resolution of the 29th South Pacific Conference at Guam, which called for an immediate ban on the practice of drift-net fishing in the South Pacific Commission region;

HAVE AGREED as follows:

Article 1

DEFINITIONS

For the purpose of this Convention and its Protocols:

(a) The "Convention Area",

(i) Subject to subparagraph (ii) of this paragraph, shall be the area lying within 10 degrees North latitude and 50 degrees South latitude and 130 degrees East longitude and 120 degrees West longitude, and shall also include all waters under the fisheries jurisdiction of any Party to this Convention;

(ii) In the case of a State or Territory which is Party to the Convention by virtue of paragraph 1(b) or 1(c) of article 10, it shall include only waters under the fisheries jurisdiction of that Party, adjacent to the Territory referred to in paragraph 1(b) or 1(c) of article 10.

(b) "drift net" means a gillnet or other net or a combination of nets which is more than 2.5 kilometres in length the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface of or in the water;

(c) "drift net fishing activities" means:

- (i) catching, taking or harvesting fish with the use of a drift net;
- (ii) attempting to catch, take or harvest fish with the use of a drift net;
- (iii) engaging in any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish with the use of a drift net, including searching for and locating fish to be taken by that method;
- (iv) any operations at sea in support of, or in preparation for, any activity described in this paragraph, including operations of placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;
- (v) aircraft use, relating to the activities described in this paragraph, except for flights in emergencies involving the health or safety of crew members or the safety of a vessel; or
- (vi) transporting, transshipping and processing any drift-net catch, and co-operation in the provision of food, fuel and other supplies for vessels equipped for or engaged in drift-net fishing.

(d) the "FFA" means the South Pacific Forum Fisheries Agency; and

(e) "fishing vessel" means any vessel or boat equipped for or engaged in searching for, catching, processing or transporting fish or other marine organisms.

## Article 2

### MEASURES REGARDING NATIONALS AND VESSELS

Each Party undertakes to prohibit its nationals and vessels documented under its laws from engaging in drift-net fishing activities within the Convention Area.

## Article 3

### MEASURES AGAINST DRIFT-NET FISHING ACTIVITIES

1. Each Party undertakes:

(a) not to assist or encourage the use of drift nets within the Convention Area; and

(b) to take measures consistent with international law to restrict drift-net fishing activities within the Convention Area, including but not limited to:

- (i) prohibiting the use of drift nets within areas under its fisheries jurisdiction; and
  - (ii) prohibiting the transshipment of drift-net catches within areas under its jurisdiction.
2. Each Party may also take measures consistent with international law to:
  - (a) prohibit the landing of drift-net catches within its territory;
  - (b) prohibit the processing of drift-net catches in facilities under its jurisdiction;
  - (c) prohibit the importation of any fish or fish product, whether processed or not, which was caught using a drift net;
  - (d) restrict port access and port servicing facilities for drift-net fishing vessels; and
  - (e) prohibit the possession of drift nets on board any fishing vessel within areas under its fisheries jurisdiction.
3. Nothing in this Convention shall prevent a Party from taking measures against drift-net fishing activities which are stricter than those required by the Convention.

#### Article 4

##### ENFORCEMENT

1. Each Party shall take appropriate measures to ensure the application of the provisions of this Convention.
2. The Parties undertake to collaborate to facilitate surveillance and enforcement of measures taken by Parties pursuant to this Convention.
3. The Parties undertake to take measures leading to the withdrawal of good standing on the Regional Register of Foreign Fishing Vessels maintained by the FFA against any vessel engaging in drift-net fishing activities.

#### Article 5

##### CONSULTATION WITH NON-PARTIES

1. The Parties shall seek to consult with any State which is eligible to become a Party to this Convention on any matter relating to drift-net fishing activities which appear to affect adversely the conservation of marine living resources within the Convention Area or the implementation of the Convention and its protocols.
2. The Parties shall seek to reach agreement with any State referred to in paragraph 1 of this article, concerning the prohibitions established pursuant to articles 2 and 3.

Article 6

INSTITUTIONAL ARRANGEMENTS

1. The FFA shall be responsible for carrying out the following functions:
  - (a) the collection, preparation and dissemination of information on drift-net fishing activities within the Convention Area;
  - (b) the facilitation of scientific analyses on the effects of drift-net fishing activities within the Convention Area, including consultations with appropriate regional and international organizations; and
  - (c) the preparation and transmission to the Parties of an annual report on any drift-net fishing activities within the Convention Area and the measures taken to implement this Convention or its Protocols.
2. Each Party shall expeditiously convey to the FFA:
  - (a) information on the measures adopted by it pursuant to the implementation of the Convention; and
  - (b) information on, and scientific analyses on the effects of, drift-net fishing activities relevant to the Convention Area.
3. All Parties, including States or Territories not members of the FFA, and the FFA shall co-operate to promote the effective implementation of this article.

Article 7

REVIEW AND CONSULTATION AMONG PARTIES

1. Without prejudice to the conduct of consultations among Parties by other means, the FFA, at the request of three Parties, shall convene meetings of the Parties to review the implementation of this Convention and its Protocols.
2. Parties to the Protocols shall be invited to any such meeting and to participate in a manner to be determined by the Parties to the Convention.

Article 8

CONSERVATION AND MANAGEMENT MEASURES

Parties to this Convention shall co-operate with each other and with appropriate distant water fishing nations and other entities or organizations in the development of conservation and management measures for South Pacific albacore tuna within the Convention Area.

Article 9

PROTOCOLS

This Convention may be supplemented by Protocols or associated instruments to further its objectives.



Article 10

SIGNATURE, RATIFICATION AND ACCESSION

1. This Convention shall be open for signature by:
  - (a) any member of the FFA; and
  - (b) any State in respect of any Territory situated within the Convention Area for which it is internationally responsible; or
  - (c) any Territory situated within the Convention Area which has been authorized to sign the Convention and to assume rights and obligations under it by the Government of the State which is internationally responsible for it.
2. This Convention is subject to ratification by members of the FFA and the other States and Territories referred to in paragraph 1 of this article. The instruments of ratification shall be deposited with the Government of New Zealand which shall be the Depositary.
3. This Convention shall remain open for accession by the members of the FFA and the other States and Territories referred to in paragraph 1 of this article. The instruments of accession shall be deposited with the Depositary.

Article 11

RESERVATIONS

This Convention shall not be subject to reservations.

Article 12

AMENDMENTS

1. Any Party may propose amendments to this Convention.
2. Amendments shall be adopted by consensus among the Parties.
3. Any amendments adopted shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.
4. An amendment shall enter into force thirty days after receipt by the Depositary of instruments of ratification, approval or acceptance from all Parties.

Article 13

ENTRY INTO FORCE

1. This Convention shall enter into force on the date of deposit of the fourth instrument of ratification or accession.

2. For any member of the FFA or a State or Territory which ratifies or accedes to this Convention after the date of deposit of the fourth instrument of ratification or accession, the Convention shall enter into force on the date of deposit of its instrument of ratification or accession.

Article 14

CERTIFICATION AND REGISTRATION

1. The original of this Convention and its Protocols shall be deposited with the Depositary, which shall transmit certified copies to all States and Territories eligible to become Party to the Convention and to all States eligible to become Party to a Protocol to the Convention.

2. The Depositary shall register this Convention and its Protocols in accordance with Article 102 of the Charter of the United Nations.

DONE at Wellington this twenty-third day of November 1989 in the English and French languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed this Convention.

3. Global treaties

(a) BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY  
MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

PREAMBLE

The Parties to this Convention,

Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof,

Mindful of the growing threat to human health and the environment posed by the increased generation and complexity, and transboundary movement of hazardous wastes and other wastes,

Mindful also that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

Convinced that States should take necessary measures to ensure that the management of hazardous wastes and other wastes including their transboundary movement and disposal is consistent with the protection of human health and the environment whatever the place of their disposal,

Noting that States should ensure that the generator should carry out duties with regard to the transport and disposal of hazardous wastes and other wastes in a manner that is consistent with the protection of the environment, whatever the place of disposal,

Fully recognizing that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory,

Recognizing also the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries,

Convinced that hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the State where they were generated,

Aware also that transboundary movements of such wastes from the State of their generation to any other State should be permitted only when conducted under conditions which do not endanger human health and the environment, and under conditions in conformity with the provisions of this Convention,

Considering that enhanced control of transboundary movement of hazardous wastes and other wastes will act as an incentive for their environmentally sound management and for the reduction of the volume of such transboundary movement,

Convinced that States should take measures for the proper exchange of information on and control of the transboundary movement of hazardous wastes and other wastes from and to those States,

Noting that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transit of dangerous goods,

Taking into account the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by the Governing Council of the United Nations Environment Programme (UNEP) by decision 14/30 of 17 June 1987, the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially), relevant recommendations, declarations, instruments and regulations adopted within the United Nations system and the work and studies done within other international and regional organizations,

Mindful of the spirit, principles, aims and functions of the World Charter for Nature adopted by the General Assembly of the United Nations at its thirty-seventh session (1982) as the rule of ethics in respect of the protection of the human environment and the conservation of natural resources,

Affirming that States are responsible for the fulfilment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law,

Recognizing that in the case of a material breach of the provisions of this Convention or any protocol thereto the relevant international law of treaties shall apply,

Aware of the need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good house-keeping and management systems with a view to reducing to a minimum the generation of hazardous wastes and other wastes,

Aware also of the growing international concern about the need for stringent control of transboundary movement of hazardous wastes and other wastes, and of the need as far as possible to reduce such movement to a minimum,

Concerned about the problem of illegal transboundary traffic in hazardous wastes and other wastes,

Taking into account also the limited capabilities of the developing countries to manage hazardous wastes and other wastes,

Recognizing the need to promote the transfer of technology for the sound management of hazardous wastes and other wastes produced locally, particularly to the developing countries in accordance with the spirit of the Cairo Guidelines and decision 14/16 of the Governing Council of UNEP on Promotion of the transfer of environmental protection technology,

Recognizing also that hazardous wastes and other wastes should be transported in accordance with relevant international conventions and recommendations,

Convinced also that the transboundary movement of hazardous wastes and other wastes should be permitted only when the transport and the ultimate disposal of such wastes is environmentally sound, and

Determined to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes,

HAVE AGREED AS FOLLOWS:

## Article 1

### Scope of the Convention

1. The following wastes that are subject to transboundary movement shall be "hazardous wastes" for the purposes of this Convention:

(a) Wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III; and

(b) Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit.

2. Wastes that belong to any category contained in Annex II that are subject to transboundary movement shall be "other wastes" for the purposes of this Convention.

3. Wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials, are excluded from the scope of this Convention.

4. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, are excluded from the scope of this Convention.

## Article 2

### Definitions

For the purposes of this Convention:

1. "Wastes" are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law;

2. "Management" means the collection, transport and disposal of hazardous wastes or other wastes, including after-care of disposal sites;

3. "Transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement;

4. "Disposal" means any operation specified in annex IV to this Convention;
5. "Approved site or facility" means a site or facility for the disposal of hazardous wastes or other wastes which is authorized or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;
6. "Competent authority" means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in article 6;
7. "Focal point" means the entity of a Party referred to in article 5 responsible for receiving and submitting information as provided for in articles 13 and 16;
8. "Environmentally sound management of hazardous wastes or other wastes" means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;
9. "Area under the national jurisdiction of a State" means any land, marine area or airspace within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;
10. "State of export" means a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated;
11. "State of import" means a Party to which a transboundary movement of hazardous wastes or other wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;
12. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place;
13. "States concerned" means Parties which are States of export or import, or transit States, whether or not Parties;
14. "Person" means any natural or legal person;
15. "Exporter" means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;
16. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported;
17. "Carrier" means any person who carries out the transport of hazardous wastes or other wastes;
18. "Generator" means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession and/or control of those wastes;

19. "Disposer" means any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes;

20. "Political and/or economic integration organization" means an organization constituted by sovereign States to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;

21. "Illegal traffic" means any transboundary movement of hazardous wastes or other wastes as specified in article 9.

### Article 3

#### National definitions of hazardous wastes

1. Each Party shall, within six months of becoming a Party to this Convention, inform the secretariat of the Convention of the wastes, other than those listed in annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.

2. Each Party shall subsequently inform the secretariat of any significant changes to the information it has provided pursuant to paragraph 1.

3. The secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2.

4. Parties shall be responsible for making the information transmitted to them by the secretariat under paragraph 3 available to their exporters.

### Article 4

#### General obligations

1. (a) Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to article 13;

(b) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes to the Parties which have prohibited the import of such wastes, when notified pursuant to subparagraph (a) above;

(c) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes.

2. Each Party shall take the appropriate measures to:

(a) Ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;

(b) Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;

(c) Ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment;

(d) Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;

(e) Not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organization that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting;

(f) Require that information about a proposed transboundary movement of hazardous wastes and other wastes be provided to the States concerned, according to annex V A, to state clearly the effects of the proposed movement on human health and the environment;

(g) Prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner;

(h) Co-operate in activities with other Parties and interested organizations, directly and through the secretariat, including the dissemination of information on the transboundary movement of hazardous wastes and other wastes, in order to improve the environmentally sound management of such wastes and to achieve the prevention of illegal traffic.

3. The Parties consider that illegal traffic in hazardous wastes or other wastes is criminal.

4. Each Party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this Convention, including measures to prevent and punish conduct in contravention of the Convention.

5. A Party shall not permit hazardous wastes or other wastes to be exported to a non-Party or to be imported from a non-Party.

6. The Parties agree not to allow the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude, whether or not such wastes are subject to transboundary movement.



7. Furthermore, each Party shall:

(a) Prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes unless such persons are authorized or allowed to perform such types of operations;

(b) Require that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled, and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labelling, and transport, and that due account is taken of relevant internationally recognized practices;

(c) Require that hazardous wastes and other wastes be accompanied by a movement document from the point at which a transboundary movement commences to the point of disposal.

8. Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting.

9. Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:

(a) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or

(b) The wastes in question are required as a raw material for recycling or recovery industries in the State of import; or

(c) The transboundary movement in question is in accordance with other criteria to be decided by the Parties, provided those criteria do not differ from the objectives of this Convention.

10. The obligation under this Convention of States in which hazardous wastes and other wastes are generated to require that those wastes are managed in an environmentally sound manner may not under any circumstances be transferred to the States of import or transit.

11. Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order better to protect human health and the environment.

12. Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

13. Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes and other wastes which are exported to other States, in particular to developing countries.

#### Article 5

##### Designation of competent authorities and focal point

To facilitate the implementation of this Convention, the Parties shall:

1. Designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit.
2. Inform the secretariat, within three months of the date of the entry into force of this Convention for them, which agencies they have designated as their focal point and their competent authorities.
3. Inform the secretariat, within one month of the date of decision, of any changes regarding the designation made by them under paragraph 2 above.

#### Article 6

##### Transboundary movement between Parties

1. The State of export shall notify, or shall require the generator or exporter to notify, in writing, through the channel of the competent authority of the State of export, the competent authority of the States concerned of any proposed transboundary movement of hazardous wastes or other wastes. Such notification shall contain the declarations and information specified in annex V A, written in a language acceptable to the State of import. Only one notification needs to be sent to each State concerned.
2. The State of import shall respond to the notifier in writing, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the States concerned which are Parties.
3. The State of export shall not allow the generator or exporter to commence the transboundary movement until it has received written confirmation that:
  - (a) The notifier has received the written consent of the State of import; and
  - (b) The notifier has received from the State of import confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question.
4. Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of

transit. However, if at any time a Party decides not to require prior written consent, either generally or under specific conditions, for transit transboundary movements of hazardous wastes or other wastes, or modifies its requirements in this respect, it shall forthwith inform the other Parties of its decision pursuant to article 13. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.

5. In the case of a transboundary movement of wastes where the wastes are legally defined as or considered to be hazardous wastes only:

(a) By the State of export, the requirements of paragraph 9 of this article that apply to the importer or disposer and the State of import shall apply mutatis mutandis to the exporter and State of export, respectively;

(b) By the State of import, or by the States of import and transit which are Parties, the requirements of paragraphs 1, 3, 4 and 6 of this article that apply to the exporter and State of export shall apply mutatis mutandis to the importer or disposer and State of import, respectively; or

(c) By any State of transit which is a Party, the provisions of paragraph 4 shall apply to such State.

6. The State of export may, subject to the written consent of the States concerned, allow the generator or the exporter to use a general notification where hazardous wastes or other wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the State of export via the same customs office of entry of the State of import, and, in the case of transit, via the same customs office of entry and exit of the State or States of transit.

7. The States concerned may make their written consent to the use of the general notification referred to in paragraph 6 subject to the supply of certain information, such as the exact quantities or periodical lists of hazardous wastes or other wastes to be shipped.

8. The general notification and written consent referred to in paragraphs 6 and 7 may cover multiple shipments of hazardous wastes or other wastes during a maximum period of 12 months.

9. The Parties shall require that each person who takes charge of a transboundary movement of hazardous wastes or other wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.

10. The notification and response required by this article shall be transmitted to the competent authority of the Parties concerned or to such governmental authority as may be appropriate in the case of non-Parties.

11. Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party.

Article 7

Transboundary movement from a Party through  
States which are not Parties

Paragraph 2 of article 6 of the Convention shall apply mutatis mutandis to transboundary movement of hazardous wastes or other wastes from a Party through a State or States which are not Parties.

Article 8

Duty to re-import

When a transboundary movement of hazardous wastes or other wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the importing State informed the State of export and the secretariat, or such other period of time as the States concerned agree. To this end, the State of export and any Party of transit shall not oppose, hinder or prevent the return of those wastes to the State of export.

Article 9

Illegal traffic

1. For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes:

(a) without notification pursuant to the provisions of this Convention to all States concerned; or

(b) without the consent pursuant to the provisions of this Convention of a State concerned; or

(c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or

(d) that does not conform in a material way with the documents; or

(e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law,

shall be deemed to be illegal traffic.

2. In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are:

(a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,

(b) are otherwise disposed of in accordance with the provisions of this Convention,

within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

3. In the case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of the State of import or such other period of time as the States concerned may agree. To this end, the Parties concerned shall co-operate, as necessary, in the disposal of the wastes in an environmentally sound manner.

4. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through co-operation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.

5. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic. The Parties shall co-operate with a view to achieving the objects of this article.

#### Article 10

##### International co-operation

1. The Parties shall co-operate with each other in order to improve and achieve environmentally sound management of hazardous wastes and other wastes.

2. To this end, the Parties shall:

(a) Upon request, make available information, whether on a bilateral or multilateral basis, with a view to promoting the environmentally sound management of hazardous wastes and other wastes, including harmonization of technical standards and practices for the adequate management of hazardous wastes and other wastes;

(b) Co-operate in monitoring the effects of the management of hazardous wastes on human health and the environment;

(c) Co-operate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and other wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies;

(d) Co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes and other wastes. They shall also co-operate in developing the technical capacity among Parties, especially those which may need and request technical assistance in this field;

(e) Co-operate in developing appropriate technical guidelines and/or codes of practice.

3. The Parties shall employ appropriate means to co-operate in order to assist developing countries in the implementation of subparagraphs (a), (b), (c) and (d) of paragraph 2 of article 4.

4. Taking into account the needs of developing countries, co-operation between Parties and the competent international organizations is encouraged to promote, inter alia, public awareness, the development of sound management of hazardous wastes and other wastes and the adoption of new low-waste technologies.

#### Article 11

##### Bilateral, multilateral and regional agreements

1. Notwithstanding the provisions of article 4, paragraph 5, Parties may enter into bilateral, multilateral, or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non-Parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by this Convention, in particular taking into account the interests of developing countries.

2. Parties shall notify the secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 and those which they have entered into prior to the entry into force of this Convention for them, for the purpose of controlling transboundary movements of hazardous wastes and other wastes which take place entirely among the Parties to such agreements. The provisions of this Convention shall not affect transboundary movements which take place pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by this Convention.

Article 12

Consultations on liability

The Parties shall co-operate with a view to adopting, as soon as practicable, a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.

Article 13

Transmission of information

1. The Parties shall, whenever it comes to their knowledge, ensure that, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States, those States are immediately informed.

2. The Parties shall inform each other, through the secretariat, of:

(a) Changes regarding the designation of competent authorities and/or focal points, pursuant to article 5;

(b) Changes in their national definition of hazardous wastes, pursuant to article 3;

and, as soon as possible,

(c) Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;

(d) Decisions taken by them to limit or ban the export of hazardous wastes or other wastes;

(e) Any other information required pursuant to paragraph 4 of this article.

3. The Parties, consistent with national laws and regulations, shall transmit, through the secretariat, to the Conference of the Parties established under article 15, before the end of each calendar year, a report on the previous calendar year, containing the following information:

(a) Competent authorities and focal points that have been designated by them pursuant to article 5;

(b) Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:

(i) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;

- (ii) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;
  - (iii) Disposals which did not proceed as intended;
  - (iv) Efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement.
- (c) Information on the measures adopted by them in implementation of this Convention;
- (d) Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;
- (e) Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to article 11 of this Convention;
- (f) Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;
- (g) Information on disposal options operated within the area of their national jurisdiction;
- (h) Information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and
- (i) Such other matters as the Conference of the Parties shall deem relevant.

4. The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes or other wastes, and the response to it, are sent to the secretariat when a Party considers that its environment may be affected by that transboundary movement has requested that this should be done.

#### Article 14

##### Financial aspects

1. The Parties agree that, according to the specific needs of different regions and subregions, regional or subregional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.

2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.



Article 15

Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.
2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.
3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties under this Convention.
4. The Parties at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine environment in the context of this Convention.
5. The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and, in addition, shall:
  - (a) Promote the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes and other wastes;
  - (b) Consider and adopt, as required, amendments to this Convention and its annexes, taking into consideration, *inter alia*, available scientific, technical, economic and environmental information;
  - (c) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in article 11;
  - (d) Consider and adopt protocols as required; and
  - (e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.
6. The United Nations, its specialized agencies, as well as any State not party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to hazardous wastes or other wastes which has informed the secretariat of its wish to be represented as an observer at a meeting of the Conference of the

Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

7. The Conference of the Parties shall undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in the light of the latest scientific, environmental, technical and economic information.

#### Article 16

#### Secretariat

1. The functions of the secretariat shall be:

- (a) To arrange for and service meetings provided for in articles 15 and 17;
- (b) To prepare and transmit reports based upon information received in accordance with articles 3, 4, 6, 11 and 13 as well as upon information derived from meetings of subsidiary bodies established under article 15 as well as upon, as appropriate, information provided by relevant intergovernmental and non-governmental entities;
- (c) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;
- (d) To ensure the necessary co-ordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
- (e) To communicate with focal points and competent authorities established by the Parties in accordance with article 5 of this Convention;
- (f) To compile information concerning authorized national sites and facilities of Parties available for the disposal of their hazardous wastes and other wastes and to circulate this information among Parties;
- (g) To receive and convey information from and to Parties on:
  - sources of technical assistance and training;
  - available technical and scientific know-how;
  - sources of advice and expertise; and
  - availability of resources

with a view to assisting them, upon request, in such areas as:

- the handling of the notification system of this Convention;
- the management of hazardous wastes and other wastes;
- environmentally sound technologies relating to hazardous wastes and other wastes, such as low- and non-waste technology;
- the assessment of disposal capabilities and sites;
- the monitoring of hazardous wastes and other wastes; and
- emergency responses.

(h) To provide Parties, upon request, with information on consultants or consulting firms having the necessary technical competence in the field, which can assist them to examine a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes or other wastes with the relevant notification, and/or the fact that the proposed disposal facilities for hazardous wastes or other wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner. Any such examination would not be at the expense of the secretariat;

(i) To assist Parties upon request in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;

(j) To co-operate with Parties and with relevant and competent international organizations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and

(k) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

2. The secretariat functions will be carried out on an interim basis by UNEP until the completion of the first meeting of the Conference of the Parties held pursuant to article 15.

3. At its first meeting, the Conference of the Parties shall designate the secretariat from among those existing competent intergovernmental organizations which have signified their willingness to carry out the secretariat functions under this Convention. At this meeting, the Conference of the Parties shall also evaluate the implementation by the interim secretariat of the functions assigned to it, in particular under paragraph 1 above, and decide upon the structures appropriate for those functions.

#### Article 17

##### Amendment of the Convention

1. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, inter alia, of relevant scientific and technical considerations.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the Signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval, formal confirmation or acceptance.

4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the Parties to that protocol present and voting at the meeting shall suffice for their adoption.

5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between Parties having accepted them on the ninetieth day after the receipt by the Depositary of their instrument of ratification, approval, formal confirmation or acceptance by at least three-fourths of the Parties who accepted the amendments to the protocol concerned, except as may otherwise be provided in such protocol. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval, formal confirmation or acceptance of the amendments.

6. For the purpose of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

#### Article 18

##### Adoption and amendment of annexes

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention and its protocols shall be proposed and adopted according to the procedure laid down in article 17, paragraphs 2, 3 and 4;

(b) Any Party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

(c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned, which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the protocol enters into force.

Article 19

Verification

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention may inform the secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the secretariat, the Party against whom the allegations are made. All relevant information should be submitted by the secretariat to the Parties.

Article 20

Settlement of disputes

1. In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute, if the parties to the dispute agree, shall be submitted to the International Court of Justice or to arbitration under the conditions set out in annex VI on arbitration. However, failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.

3. When ratifying, accepting, approving, formally confirming or acceding to this Convention, or at any time thereafter, a State or political and/or economic integration organization may declare that it recognizes as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

(a) submission of the dispute to the International Court of Justice;  
and/or

(b) arbitration in accordance with the procedures set out in annex VI.

Such declaration shall be notified in writing to the secretariat which shall communicate it to the Parties.

Article 21

Signature

This Convention shall be open for signature by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations, in Basel on 22 March 1989, at the Federal Department of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989, and at United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

Article 22

Ratification, acceptance, formal confirmation or approval

1. This Convention shall be subject to ratification, acceptance or approval by States and by Namibia, represented by the United Nations Council for Namibia, and to formal confirmation or approval by political and/or economic integration organizations. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of formal confirmation or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who will inform the Parties of any substantial modification in the extent of their competence.

Article 23

Accession

1. This Convention shall be open for accession by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions of article 22, paragraph 2, shall apply to political and/or economic integration organizations which accede to this Convention.

Article 24

Right to vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention shall have one vote.
2. Political and/or economic integration organizations, in matters within their competence, in accordance with article 22, paragraph 3, and article 23, paragraph 2, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 25

Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, formal confirmation, approval or accession.
2. For each State or political and/or economic integration organization which ratifies, accepts, approves or formally confirms this Convention or accedes thereto after the date of the deposit of the twentieth instrument of ratification, acceptance, approval, formal confirmation or accession, it shall enter into force on the ninetieth day after the date of deposit by such State or political and/or economic integration organization of its instrument of ratification, acceptance, approval, formal confirmation or accession.
3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a political and/or economic integration organization shall not be counted as additional to those deposited by member States of such organization.

Article 26

Reservations and declarations

1. No reservation or exception may be made to this Convention.
2. Paragraph 1 of this article does not preclude a State or political and/or economic integration organization, when signing, ratifying, accepting, approving, formally confirming or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, inter alia, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

Article 27

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depository.
2. Withdrawal shall be effective one year from receipt of notification by the Depository, or on such later date as may be specified in the notification.

Article 28

Depository

The Secretary-General of the United Nations shall be the Depository of this Convention and of any protocol thereto.

Article 29

Authentic texts

The original Arabic, Chinese, English, French, Russian and Spanish texts of this Convention are equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.



Annex I

CATEGORIES OF WASTES TO BE CONTROLLED

Waste Streams:

- Y1 Clinical wastes from medical care in hospitals, medical centres and clinics
- Y2 Wastes from the production and preparation of pharmaceutical products
- Y3 Waste pharmaceuticals, drugs and medicines
- Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals
- Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals
- Y6 Wastes from the production, formulation and use of organic solvents
- Y7 Wastes from heat treatment and tempering operations containing cyanides
- Y8 Waste mineral oils unfit for their originally intended use
- Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated triphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
- Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
- Y15 Wastes of an explosive nature not subject to other legislation
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials
- Y17 Wastes resulting from surface treatment of metals and plastics
- Y18 Residues arising from industrial waste disposal operations

Wastes having as constituents:

- Y19 Metal carbonyls
- Y20 Beryllium; beryllium compounds
- Y21 Hexavalent chromium compounds
- Y22 Copper compounds
- Y23 Zinc compounds
- Y24 Arsenic; arsenic compounds
- Y25 Selenium; selenium compounds
- Y26 Cadmium; cadmium compounds
- Y27 Antimony; antimony compounds
- Y28 Tellurium; tellurium compounds
- Y29 Mercury; mercury compounds
- Y30 Thallium; thallium compounds
- Y31 Lead; lead compounds
- Y32 Inorganic fluorine compounds excluding calcium fluoride

- Y33 Inorganic cyanides
- Y34 Acidic solutions or acids in solid form
- Y35 Basic solutions or bases in solid form
- Y36 Asbestos (dust and fibres)
- Y37 Organic phosphorous compounds
- Y38 Organic cyanides
- Y39 Phenols; phenol compounds including chlorophenols
- Y40 Ethers
- Y41 Halogenated organic solvents
- Y42 Organic solvents excluding halogenated solvents
- Y43 Any congener of polychlorinated dibenzo-furan
- Y44 Any congener of polychlorinated dibenzo-p-dioxin
- Y45 Organohalogen compounds other than substances referred to in this annex (e.g., Y39, Y41, Y42, Y43, Y44).

Annex II

CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

- Y46 Wastes collected from households
- Y47 Residues arising from the incineration of household wastes.

Annex III

LIST OF HAZARDOUS CHARACTERISTICS

<u>UN Class*</u>	<u>Code</u>	<u>Characteristics</u>
1	H1	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.

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\* Corresponds to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (ST/SG/AC.10/Rev.5, United Nations, New York, 1988).

- 3 H3 Flammable liquids  
The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)
- 4.1 H4.1 Flammable solids  
Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
- 4.2 H4.2 Substances or wastes liable to spontaneous combustion  
Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.
- 4.3 H4.3 Substances or wastes which, in contact with water emit flammable gases  
Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
- 5.1 H5.1 Oxidizing  
Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen, cause, or contribute to, the combustion of other materials.
- 5.2 H5.2 Organic peroxides  
Organic substances or wastes which contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
- 6.1 H6.1 Poisonous (acute)  
Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
- 6.2 H6.2 Infectious substances  
Substances or wastes containing viable micro-organisms or their toxins which are known or suspected to cause disease in animals or humans.

- 8 H8 Corrosives  
Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
- 9 H10 Liberation of toxic gases in contact with air or water  
Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
- 9 H11 Toxic (delayed or chronic)  
Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
- 9 H12 Ecotoxic  
Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bio-accumulation and/or toxic effects upon biotic systems.
- 9 H13 Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

### Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterize potential hazards posed to man and/or the environment by these wastes. Standardized tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in annex I, in order to decide if these materials exhibit any of the characteristics listed in this annex.

Annex IV

DISPOSAL OPERATIONS

A. OPERATIONS WHICH DO NOT LEAD TO THE POSSIBILITY OF RESOURCE RECOVERY,  
RECYCLING, RECLAMATION, DIRECT RE-USE OR ALTERNATIVE USES

Section A encompasses all such disposal operations which occur in practice.

- D1 Deposit into or onto land, (e.g., landfill, etc.)
- D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
- D3 Deep injection (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D4 Surface impoundment (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
- D5 Specially engineered landfill (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D6 Release into a water body except seas/oceans
- D7 Release into seas/oceans including sea-bed insertion
- D8 Biological treatment not specified elsewhere in this annex which results in final compounds or mixtures which are discarded by means of any of the operations in section A
- D9 Physico-chemical treatment not specified elsewhere in this annex which results in final compounds or mixtures which are discarded by means of any of the operations in section A (e.g., evaporation, drying, calcination, neutralization, precipitation, etc.)
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage (e.g., emplacement of containers in a mine, etc.)
- D13 Blending or mixing prior to submission to any of the operations in section A
- D14 Repackaging prior to submission to any of the operations in section A
- D15 Storage pending any of the operations in section A

B. OPERATIONS WHICH MAY LEAD TO RESOURCE RECOVERY, RECYCLING,  
RECLAMATION, DIRECT RE-USE OR ALTERNATIVE USES

Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in section A

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy
- R2 Solvent reclamation/regeneration
- R3 Recycling/reclamation of organic substances which are not used as solvents
- R4 Recycling/reclamation of metals and metal compounds
- R5 Recycling/reclamation of other inorganic materials
- R6 Regeneration of acids or bases
- R7 Recovery of components used for pollution abatement
- R8 Recovery of components from catalysts
- R9 Used oil re-refining or other reuses of previously used oil
- R10 Land treatment resulting in benefit to agriculture or ecological improvement
- R11 Uses of residual materials obtained from any of the operations numbered R1-R10
- R12 Exchange of wastes for submission to any of the operations numbered R1-R11
- R13 Accumulation of material intended for any operation in section B

Annex V A

INFORMATION TO BE PROVIDED ON NOTIFICATION

1. Reason for waste export
2. Exporter of the waste 1/
3. Generator(s) of the waste and site of generation 1/
4. Disposer of the waste and actual site of disposal 1/
5. Intended carrier(s) of the waste or their agents, if known 1/
6. Country of export of the waste  
Competent authority 2/
7. Expected countries of transit  
Competent authority 2/
8. Country of import of the waste  
Competent authority 2/
9. General or single notification
10. Projected date(s) of shipment(s) and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit) 3/

11. Means of transport envisaged (road, rail, sea, air, inland waters)
12. Information relating to insurance 4/
13. Designation and physical description of the waste including Y number and UN number and its composition 5/ and information on any special handling requirements including emergency provisions in case of accidents
14. Type of packaging envisaged (e.g., bulk, drummed, tanker)
15. Estimated quantity in weight/volume 6/
16. Process by which the waste is generated 7/
17. For wastes listed in annex I, classifications from annex II: hazardous characteristic, H number, and UN class
18. Method of disposal as per annex IV
19. Declaration by the generator and exporter that the information is correct
20. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import.
21. Information concerning the contract between the exporter and disposer.

#### Notes

- 1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.
- 2/ Full name and address, telephone, telex or telefax number.
- 3/ In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.
- 4/ Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.
- 5/ The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.
- 6/ In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.
- 7/ In so far as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

Annex V B

INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

1. Exporter of the waste 1/
2. Generator(s) of the waste and site of generation 1/
3. Disposer of the waste and actual site of disposal 1/
4. Carrier(s) of the waste 1/ or his agent(s)
5. Subject of general or single notification
6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste
7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated
8. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable)
9. Information on special handling requirements including emergency provision in case of accidents
10. Type and number of packages
11. Quantity in weight/volume
12. Declaration by the generator or exporter that the information is correct
13. Declaration by the generator or exporter indicating no objection from the competent authorities of all States concerned which are Parties
14. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.

Notes

The information required on the movement document shall where possible be integrated in one document with that required under transport rules. Where this is not possible the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instructions as to who is to provide information and fill out any form.

- 1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.



Annex VI

ARBITRATION

Article 1

Unless the agreement referred to in article 20 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with articles 2 to 10 below.

Article 2

The claimant party shall notify the secretariat that the parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of article 20 and include, in particular, the articles of the Convention the interpretation or application of which are at issue. The secretariat shall forward the information thus received to all Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either party, designate him within a further two months' period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other party may inform the Secretary-General of the United Nations, who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.

2. Any arbitral tribunal constituted under the provisions of this annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.
2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.
3. The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.
4. The absence or default of a party in the dispute shall not constitute an impediment to the proceedings.

Article 7

The tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

Article 9

Any Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case may intervene in the proceedings with the consent of the tribunal.

Article 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.
2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.
3. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

(b) Final Act of the Conference of Plenipotentiaries  
on the Global Convention on the Control of  
Transboundary Movements of Hazardous Wastes

1. The Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes was convened by the Executive Director of the United Nations Environment Programme (UNEP) pursuant to decision 14/30, adopted by the Governing Council of UNEP on 17 June 1987.

...

17. On the basis of the deliberations of the Committee of the Whole, the Conference, on 22 March 1989, adopted the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The Convention will be open for signature in Basel on 22 March 1989, at the Federal Ministry of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989, and at the United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

18. The Conference also adopted resolutions, the text of which shall be attached to this Final Act.

...

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at Basel this twenty-second day of March one thousand nine hundred and eighty-nine in one original in the Arabic, Chinese, English, French, Russian and Spanish languages, each language version being equally authentic. The original text will be deposited with the Secretary-General of the United Nations.

Resolution 1

ESTABLISHMENT OF AN AD HOC WORKING GROUP TO CONSIDER THE  
NECESSITY OF MECHANISMS FOR THE IMPLEMENTATION OF THE  
BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS  
OF HAZARDOUS WASTES AND THEIR DISPOSAL

The Conference

Invites the Executive Director of the United Nations Environment Programme (UNEP) to set up an ad hoc working group of legal and technical experts to consider the necessity of establishing mechanisms for the implementation of this Convention as provided for in article 15, paragraph 5 (e), of this Convention.

Adopted on 21 March 1989

Resolution 2

RELATIONSHIP OF THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY  
MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL  
AND THE LONDON DUMPING CONVENTION

The Conference,

Noting that the disposal of wastes at sea is subject to provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Dumping Convention, 1972),

Noting also that that Convention, inter alia, prohibits the dumping of certain wastes and further requires Parties to report information relating to the nature and quantities of all matter to be permitted to be dumped and the location, time and method of dumping,

Noting further that this requires, in the light of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the re-examination of that Convention with a view to considering its possible amendment,

1. Invites the Executive Director of the United Nations Environment Programme (UNEP) to bring to the attention of the Parties to the London Dumping Convention through the Secretary-General of the International Maritime Organization (IMO) the need for a review of the existing rules, regulations and practices with respect to dumping of hazardous and other wastes at sea in the light of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal with a view to recommending any additional measures needed within the London Dumping Convention, including its annexes, in order to control and prevent dumping of hazardous and other wastes at sea.

2. Invites the Executive Director of UNEP to report on the results of the review and recommendations referred to in paragraph 1 above to the Parties to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at their first meeting.

Adopted on 21 March 1989

Resolution 3

LIABILITY

The Conference,

Recognizing the necessity of developing rules, as early as practicable, on liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes,

Requests the Executive Director of the United Nations Environment Programme (UNEP) to:

(a) Establish, pending a decision by the Parties at their first meeting on how to implement article 12 of the Convention, an ad hoc working group of legal and technical experts to develop elements which might be included in a protocol on liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes;

(b) Report on the results of this group's work to the first meeting of the Parties.

Adopted on 22 March 1989

Resolution 4

RESPONSIBILITY OF STATES FOR THE IMPLEMENTATION OF THE  
BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS  
OF HAZARDOUS WASTES AND THEIR DISPOSAL

The Conference,

Recalling General Assembly resolution 43/212 of 20 December 1988 on the responsibility of States for the protection of the environment; prevention of the illegal international traffic in, and the dumping and resulting accumulation of, toxic and dangerous products and wastes affecting the developing countries in particular,

Recalling also General Assembly resolution 42/183 of 11 December 1987 on traffic in toxic and dangerous products and wastes, as well as Economic and Social Council resolutions 1988/70 of 28 July 1988 on traffic in toxic and dangerous products and wastes and 1988/71 of 28 July 1988 on the global convention on the control of transboundary movements of hazardous wastes,

Recalling further the resolution on dumping and incineration of toxic and hazardous wastes in the Wider Caribbean Region, adopted in October 1987 by the Fourth Intergovernmental Meeting on the Caribbean Action Plan in April; resolution CM/Res. 1153 (XLVIII) of May 1988 of the Council of Ministers of the Organization of African Unity on dumping of nuclear and industrial wastes in Africa; and the Final Document of the First Meeting of States of the Zone of Peace and Co-operation of the South Atlantic, which strongly condemned the transfer of hazardous wastes from other parts of the world into the region,

Recalling also the resolution of the Council of the European Communities of 21 December 1988 (OJ/C9/12 January 1989) concerning transfrontier movements of hazardous waste to third countries; resolution C(89)1(Final) adopted by the Council of the Organization for Economic Co-operation and Development in January 1989, on control of transfrontier movements of hazardous waste; and the Declaration of the Committee of Ministers of the Council of Europe of March 1989 on control and regulation of transfrontier movements of toxic waste,

Bearing in mind decision 14/30 of 17 June 1987 of the Governing Council of the United Nations Environment Programme, by which the Council approved the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes, and authorized the Executive Director of UNEP to convene a working group of legal and technical experts with a mandate to prepare a global convention on the control of transboundary movements of hazardous wastes, with a view to the adoption of the convention by Governments by early 1989,

Deeply concerned that part of the transboundary movement of hazardous wastes and other wastes is being carried out in contravention of existing national legislation and relevant international legal instruments, as well as internationally accepted guidelines and principles, to the detriment of the environment and public health of all countries, particularly of developing countries,

Convinced that these problems cannot be resolved without adequate co-operation among members of the international community,

Recognizing the immediate need for the control of the transboundary movement and disposal of hazardous wastes,

Desiring that the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal become effective as soon as possible,

Having adopted the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

Noting with appreciation that the Convention was opened for signature in Basel on 22 March 1989,

Considering that in the meantime the movement of hazardous wastes may cause serious harm to human health and the environment,

1. Calls upon all States, including those that have not participated in this Conference, to sign and become Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and to apply its provisions as soon as possible,
2. Urges all States to develop without delay further co-operation in problem areas within the scope of the Convention,
3. Urges all States to co-operate in developing technologies which will lead to the elimination of the generation of hazardous wastes,
4. Resolves that until such time as the Convention comes into force and appropriate criteria are determined, all States refrain from activities which are inconsistent with the objectives and purposes of the Convention,
5. Requests the Executive Director of the United Nations Environment Programme (UNEP) to forward this resolution to the Secretary-General of the United Nations and to circulate it to all States and economic integration organizations.

Adopted on 22 March 1989

Resolution 5

HARMONIZATION OF PROCEDURES OF THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL AND THE CODE OF PRACTICE FOR INTERNATIONAL TRANSACTIONS INVOLVING NUCLEAR WASTES

The Conference,

Bearing in mind resolution CM/Res./1153 (XLVIII) on the Dumping of Nuclear and Industrial Wastes in Africa adopted by the Organization of African Unity in May 1988,

Recognizing the need to harmonize procedures of this Convention and the internationally agreed code of practice for international transactions involving nuclear wastes, which is under preparation in pursuance of resolution GC(XXXII)/Res./490 of September 1988 of the International Atomic Energy Agency (IAEA),

Requests the Executive Director of the United Nations Environment Programme (UNEP) to bring this to the attention of the Governing Council and the Director-General of IAEA with a view to ensuring that the provisions of this Convention are taken into full account during the elaboration by IAEA of procedures for international transactions involving nuclear wastes.

Adopted on 22 March 1989

Resolution 6

INSTITUTIONAL AND FINANCIAL ARRANGEMENTS

The Conference,

Having adopted at Basel on 22 March 1989 the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

Aware of the danger to human health and the environment of irregular and illegal exports and disposal of hazardous wastes,

Convinced of the need to intensify international co-operation in order to apply immediately the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted at Basel on the twenty-second of March 1989,

Recalling that the secretariat of the Convention constitutes one of the instruments of this international co-operation,

Recalling that under article 16 of the Convention the United Nations Environment Programme (UNEP) is responsible for carrying out the interim secretariat functions until the completion of the first ordinary meeting of the Conference of the Contracting Parties held pursuant to article 15 of the Convention,

Recalling further that the arrangements for the secretariat of the Convention and for its funding are to be decided by the Conference of Contracting Parties at its first meeting,

1. Notes the preliminary budget estimates for the interim secretariat as presented by UNEP;
2. Also notes the willingness of the Executive Director of the United Nations Environment Programme (UNEP) to contribute towards the costs of the interim secretariat during its initial two years of operation, subject to the availability of resources in the Environment Fund;
3. Invites all signatories to the Convention and all Parties to provide the Executive Director on a voluntary basis with such additional funds as are required for the operation of the interim secretariat provided for in article 16 of the Convention; and
4. Requests the Executive Director of UNEP to take the steps necessary for the interim secretariat of the Convention to commence its activities as soon as feasible after the adoption of the Convention.

Adopted on 22 March 1989



Resolution 7

CO-OPERATION BETWEEN THE INTERNATIONAL MARITIME ORGANIZATION AND THE  
UNITED NATIONS ENVIRONMENT PROGRAMME IN THE REVIEW OF EXISTING  
RULES, REGULATIONS AND PRACTICES WITH RESPECT TO TRANSPORT OF  
HAZARDOUS WASTES BY SEA

The Conference,

Recognizing the coastal States' responsibilities in respect of the protection and preservation of the environment,

Taking into account the existing international conventions and agreements for the protection of the marine environment,

Noting further that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transport of hazardous wastes,

In accordance with the relevant provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

1. Invites the Executive Director of the United Nations Environment Programme (UNEP) and the Secretary-General of the International Maritime Organization (IMO), in consultation, as appropriate, with other relevant international organizations, to review the existing rules, regulations and practices with respect to the transport of hazardous wastes by sea in the light of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal with a view to recommending any additional measures needed, including information, documentation and other precautionary measures, in order to assist coastal States, flag States, and port States in fulfilling their responsibilities with respect to the protection and preservation of the marine environment;

2. Invites the Executive Director of UNEP to report on the results of the review and recommendations referred to in paragraph 1 above to the Contracting Parties to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at their first meeting.

Adopted on 22 March 1989

Resolution 8

ESTABLISHMENT OF A TECHNICAL WORKING GROUP TO ELABORATE TECHNICAL  
GUIDELINES FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES  
SUBJECT TO THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY  
MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

The Conference,

Having adopted the Basel Convention on the Control of Transboundary  
Movements of Hazardous Wastes and their Disposal,

Conscious of the need to minimize the risk of damage to human health and  
the environment which can result from transboundary movements of hazardous  
wastes and their disposal,

Convinced of the need to elaborate technical guidelines to assist in the  
implementation of the Convention, taking into account the work of the relevant  
international organizations,

Taking into account the importance of examining scientific, technical and  
financial implications in respect of the implementation of the guidelines,  
especially in developing countries,

Calls upon the Executive Director of the United Nations Environment  
Programme (UNEP) to establish a technical working group to prepare draft  
technical guidelines (including costs of the various disposal operations) for  
the environmentally sound management of wastes subject to this Convention for  
consideration by the Parties at their first meeting, and eventual adoption.

Adopted on 22 March 1989

...

(Adoption of the Final Act and any instruments, recommendations and resolutions resulting from the work of the Conference. Text of the International Convention on Salvage, 1989 as approved by the Plenary of the Conference on 28 April 1989).

(c) INTERNATIONAL CONVENTION ON SALVAGE, 1989 <sup>1/</sup>

THE STATES PARTIES TO THE PRESENT CONVENTION,

RECOGNIZING the desirability of determining by agreement uniform international rules regarding salvage operations,

NOTING that substantial developments, in particular the increased concern for the protection of the environment, have demonstrated the need to review the international rules presently contained in the Convention for the Unification of Certain Rules of Law relating to Assistance and Salvage at Sea, done at Brussels, 23 September 1910,

CONSCIOUS of the major contribution which efficient and timely salvage operations can make to the safety of vessels and other property in danger and to the protection of the environment,

CONVINCED of the need to ensure that adequate incentives are available to persons who undertake salvage operations in respect of vessels and other property in danger,

HAVE AGREED as follows:

Chapter I - General provisions

Article 1

Definitions

For the purpose of this Convention:

(a) Salvage operation means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever;

(b) Vessel means any ship or craft, or any structure capable of navigation;

(c) Property means any property not permanently and intentionally attached to the shoreline and includes freight at risk;

(d) Damage to the environment means substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents;

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<sup>1/</sup> IMO document LEG/CONF.7/27 of 2 May 1989.

- (e) Payment means any reward, remuneration or compensation due under this Convention;
- (f) Organization means the International Maritime Organization;
- (g) Secretary-General means the Secretary-General of the Organization.

Article 2

Application of the Convention

This Convention shall apply whenever judicial or arbitral proceedings relating to matters dealt with in this Convention are brought in a State Party.

Article 3

Platforms and drilling units

This Convention shall not apply to fixed or floating platforms or to mobile offshore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of sea-bed mineral resources.

Article 4

State-owned vessels

1. Without prejudice to article 5, this Convention shall not apply to warships or other non-commercial vessels owned or operated by a State and entitled, at the time of salvage operations, to sovereign immunity under generally recognized principles of international law unless that State decides otherwise.
2. Where a State Party decides to apply the Convention to its warships or other vessels described in paragraph 1, it shall notify the Secretary-General thereof specifying the terms and conditions of such application.

Article 5

Salvage operations controlled by public authorities

1. This Convention shall not affect any provisions of national law or any international convention relating to salvage operations by or under the control of public authorities.
2. Nevertheless, salvors carrying out such salvage operations shall be entitled to avail themselves of the rights and remedies provided for in this Convention in respect of salvage operations.
3. The extent to which a public authority under a duty to perform salvage operations may avail itself of the rights and remedies provided for in this Convention shall be determined by the law of the State where such authority is situated.

Article 6

Salvage contracts

1. This Convention shall apply to any salvage operations save to the extent that a contract otherwise provides expressly or by implication.
2. The master shall have the authority to conclude contracts for salvage operations on behalf of the owner of the vessel. The master or the owner of the vessel shall have the authority to conclude such contracts on behalf of the owner of the property on board the vessel.
3. Nothing in this article shall affect the application of article 7 or duties to prevent or minimize damage to the environment.

Article 7

Annulment and modification of contracts

A contract or any terms thereof may be annulled or modified if:

- (a) the contract has been entered into under undue influence or the influence of danger and its terms are inequitable; or
- (b) the payment under the contract is in an excessive degree too large or too small for the services actually rendered.

Chapter II - Performance of salvage operations

Article 8

Duties of the salvor and of the owner and master

1. The salvor shall owe a duty to the owner of the vessel or other property in danger:
  - (a) to carry out the salvage operations with due care;
  - (b) in performing the duty specified in subparagraph (a), to exercise due care to prevent or minimize damage to the environment;
  - (c) whenever circumstances reasonably require, to seek assistance from other salvors; and
  - (d) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger; provided however that the amount of his reward shall not be prejudiced should it be found that such a request was unreasonable.
2. The owner and master of the vessel or the owner of other property in danger shall owe a duty to the salvor:
  - (a) to co-operate fully with him during the course of the salvage operations;

(b) in so doing, to exercise due care to prevent or minimize damage to the environment; and

(c) when the vessel or other property has been brought to a place of safety, to accept redelivery when reasonably requested by the salvor to do so.

## Article 9

### Rights of coastal States

Nothing in this Convention shall affect the right of the coastal State concerned to take measures in accordance with generally recognized principles of international law to protect its coastline or related interests from pollution or the threat of pollution following upon a maritime casualty or acts relating to such a casualty which may reasonably be expected to result in major harmful consequences, including the right of a coastal State to give directions in relation to salvage operations.

## Article 10

### Duty to render assistance

1. Every master is bound, so far as he can do so without serious danger to his vessel and persons thereon, to render assistance to any person in danger of being lost at sea.
2. The States Parties shall adopt the measures necessary to enforce the duty set out in paragraph 1.
3. The owner of the vessel shall incur no liability for a breach of the duty of the master under paragraph 1.

## Article 11

### Co-operation

A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for co-operation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general.

## Chapter III - Rights of salvors

### Article 12

#### Conditions for reward

1. Salvage operations which have had a useful result give right to a reward.
2. Except as otherwise provided, no payment is due under this Convention if the salvage operations have had no useful result.
3. This chapter shall apply, notwithstanding that the salvaged vessel and the vessel undertaking the salvage operations belong to the same owner.

Article 13

Criteria for fixing the reward

1. The reward shall be fixed with a view to encouraging salvage operations, taking into account the following criteria without regard to the order in which they are presented below:

- (a) the salved value of the vessel and other property;
- (b) the skill and efforts of the salvors in preventing or minimizing damage to the environment;
- (c) the measure of success obtained by the salvor;
- (d) the nature and degree of the danger;
- (e) the skill and efforts of the salvors in salvaging the vessel, other property and life;
- (f) the time used and expenses and losses incurred by the salvors;
- (g) the risk of liability and other risks run by the salvors or their equipment;
- (h) the promptness of the services rendered;
- (i) the availability and use of vessels or other equipment intended for salvage operations;
- (j) the state of readiness and efficiency of the salvor's equipment and the value thereof.

2. Payment of a reward fixed according to paragraph 1 shall be made by all of the vessel and other property interests in proportion to their respective salved values. However, a State Party may in its national law provide that the payment of a reward has to be made by one of these interests, subject to a right of recourse of this interest against the other interests for their respective shares. Nothing in this article shall prevent any right of defence.

3. The rewards, exclusive of any interest and recoverable legal costs that may be payable thereon, shall not exceed the salved value of the vessel and other property.

Article 14

Special compensation

1. If the salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward under article 13 at least equivalent to the special compensation assessable in accordance with this article, he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as herein defined.

2. If, in the circumstances set out in paragraph 1, the salvor by his salvage operations has prevented or minimized damage to the environment, the special compensation payable by the owner to the salvor under paragraph 1 may be increased up to a maximum of 30 per cent of the expenses incurred by the salvor. However, the tribunal, if it deems it fair and just to do so and bearing in mind the relevant criteria set out in article 13, paragraph 1, may increase such special compensation further, but in no event shall the total increase be more than 100 per cent of the expenses incurred by the salvor.

3. Salvor's expenses for the purpose of paragraphs 1 and 2 means the out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used in the salvage operation, taking into consideration the criteria set out in article 13, paragraph 1 (h), (i) and (j).

4. The total special compensation under this article shall be paid only if and to the extent that such compensation is greater than any reward recoverable by the salvor under article 13.

5. If the salvor has been negligent and has thereby failed to prevent or minimize damage to the environment, he may be deprived of the whole or part of any special compensation due under this article.

6. Nothing in this article shall affect any right of recourse on the part of the owner of the vessel.

#### Article 15

##### Apportionment between salvors

1. The apportionment of a reward under article 13 between salvors shall be made on the basis of the criteria contained in that article.

2. The apportionment between the owner, master and other persons in the service of each salving vessel shall be determined by the law of the flag of that vessel. If the salvage has not been carried out from a vessel, the apportionment shall be determined by the law governing the contract between the salvor and his servants.

#### Article 16

##### Salvage of persons

1. No remuneration is due from persons whose lives are saved, but nothing in this article shall affect the provisions of national law on this subject.

2. A salvor of human life, who has taken part in the services rendered on the occasion of the accident giving rise to salvage, is entitled to a fair share of the payment awarded to the salvor for salving the vessel or other property or preventing or minimizing damage to the environment.



Article 17

Services rendered under existing contracts

No payment is due under the provisions of this Convention unless the services rendered exceed what can be reasonably considered as due performance of a contract entered into before the danger arose.

Article 18

The effect of salvor's misconduct

A salvor may be deprived of the whole or part of the payment due under this Convention to the extent that the salvage operations have become necessary or more difficult because of fault or neglect on his part or if the salvor has been guilty of fraud or other dishonest conduct.

Article 19

Prohibition of salvage operations

Services rendered notwithstanding the express and reasonable prohibition of the owner or master of the vessel or the owner of any other property in danger which is not and has not been on board the vessel shall not give rise to payment under this Convention.

Chapter IV - Claims and actions

Article 20

Maritime lien

1. Nothing in this Convention shall affect the salvor's maritime lien under any international convention or national law.
2. The salvor may not enforce his maritime lien when satisfactory security for his claim, including interest and costs, has been duly tendered or provided.

Article 21

Duty to provide security

1. Upon the request of the salvor a person liable for a payment due under this Convention shall provide satisfactory security for the claim, including interest and costs of the salvor.
2. Without prejudice to paragraph 1, the owner of the salvaged vessel shall use his best endeavours to ensure that the owners of the cargo provide satisfactory security for the claims against them including interest and costs before the cargo is released.
3. The salvaged vessel and other property shall not, without the consent of the salvor, be removed from the port or place at which they first arrive after the completion of the salvage operations until satisfactory security has been put up for the salvor's claim against the relevant vessel or property.

Article 22

Interim payment

1. The tribunal having jurisdiction over the claim of the salvor may, by interim decision, order that the salvor shall be paid on account such amount as seems fair and just, and on such terms including terms as to security where appropriate, as may be fair and just according to the circumstances of the case.
2. In the event of an interim payment under this article the security provided under article 21 shall be reduced accordingly.

Article 23

Limitation of actions

1. Any action relating to payment under this Convention shall be time-barred if judicial or arbitral proceedings have not been instituted within a period of two years. The limitation period commences on the day on which the salvage operations are terminated.
2. The person against whom a claim is made may at any time during the running of the limitation period extend that period by a declaration to the claimant. This period may in the like manner be further extended.
3. An action for indemnity by a person liable may be instituted even after the expiration of the limitation period provided for in the preceding paragraphs, if brought within the time allowed by the law of the State where proceedings are instituted.

Article 24

Interest

The right of the salvor to interest on any payment due under this Convention shall be determined according to the law of the State in which the tribunal seized of the case is situated.

Article 25

State-owned cargoes

Unless the State owner consents, no provision of this Convention shall be used as a basis for the seizure, arrest or detention by any legal process of, nor for any proceedings in rem against, non-commercial cargoes owned by a State and entitled, at the time of the salvage operations, to sovereign immunity under generally recognized principles of international law.

Article 26

Humanitarian cargoes

No provision of this Convention shall be used as a basis for the seizure, arrest or detention of humanitarian cargoes donated by a State, if such State has agreed to pay for salvage services rendered in respect of such humanitarian cargoes.

Article 27

Publication of arbitral awards

States Parties shall encourage, as far as possible and with the consent of the parties, the publication of arbitral awards made in salvage cases.

Chapter V - Final clauses

Article 28

Signature, ratification, acceptance,  
approval and accession

1. This Convention shall be open for signature at the headquarters of the Organization from 1 July 1989 to 30 June 1990 and shall thereafter remain open for accession.
2. States may express their consent to be bound by this Convention by:
  - (a) signature without reservation as to ratification, acceptance or approval; or
  - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
  - (c) accession.
3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

Article 29

Entry into force

1. This Convention shall enter into force one year after the date on which 15 States have expressed their consent to be bound by it.
2. For a State which expresses its consent to be bound by this Convention after the conditions for entry into force thereof have been met, such consent shall take effect one year after the date of expression of such consent.

Article 30

Reservations

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, reserve the right not to apply the provisions of this Convention:
  - (a) when the salvage operation takes place in inland waters and all vessels involved are of inland navigation;
  - (b) when the salvage operations take place in inland waters and no vessel is involved;

(c) when all interested parties are nationals of that State;

(d) when the property involved is maritime cultural property of prehistoric, archaeological or historical interest and is situated on the sea-bed.

2. Reservations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.

3. Any State which has made a reservation to this Convention may withdraw it at any time by means of a notification addressed to the Secretary-General. Such withdrawal shall take effect on the date the notification is received. If the notification states that the withdrawal of a reservation is to take effect on a date specified therein, and such date is later than the date the notification is received by the Secretary-General, the withdrawal shall take effect on such later date.

#### Article 31

##### Denunciation

1. This Convention may be denounced by any State Party at any time after the expiry of one year from the date on which this Convention enters into force for that State.

2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the Secretary-General.

#### Article 32

##### Revision and amendment

1. A conference for the purpose of revising or amending this Convention may be convened by the Organization.

2. The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of eight States Parties, or one fourth of the States Parties, whichever is the higher figure.

3. Any consent to be bound by this Convention expressed after the date of entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

#### Article 33

##### Depositary

1. This Convention shall be deposited with the Secretary-General.

2. The Secretary-General shall:

(a) inform all States which have signed this Convention or acceded thereto, and all Members of the Organization, of:

- (i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;
- (ii) the date of the entry into force of this Convention;
- (iii) the deposit of any instrument of denunciation of this Convention together with the date on which it is received and the date on which the denunciation takes effect;
- (iv) any amendment adopted in conformity with article 32;
- (v) the receipt of any reservation, declaration or notification made under this Convention.

(b) transmit certified true copies of this Convention to all States which have signed this Convention or acceded thereto.

3. As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

#### Article 34

##### Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Convention.

DONE AT LONDON this twenty-eighth day of April one thousand nine hundred and eighty-nine.

III. INFORMATION ABOUT THE PREPARATORY COMMISSION

- A. Report on the seventh session of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, Kingston, 17 February-23 March 1989; New York, 14 August-1 September 1989 1/

The Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, established by resolution I of the Third United Nations Conference on the Law of the Sea, held its seventh regular session at Kingston from 27 February to 23 March 1989 and its meeting in New York from 14 August to 1 September 1989.

Plenary

Implementation of resolution II

On 17 August 1987, the General Committee of the Preparatory Commission, acting on behalf of the Commission, decided to register India as the first pioneer investor in the international sea-bed area ("the Area") (LOS/PCN/94) on the basis of the report of the Group of Technical Experts established in accordance with the Understanding of 5 September 1986 (LOS/PCN/BUR/R.1).

On 17 December 1987, the General Committee of the Preparatory Commission approved the applications of France, Japan and the Union of Soviet Socialist Republics (LOS/PCN/97, 98 and 99 respectively) for registration as pioneer investors in the international sea-bed area on the basis of the reports of the Group of Technical Experts (LOS/PCN/BUR/R.2, 3 and 4 respectively). 2/

Following the registration of the four pioneer investors in 1987, the Preparatory Commission focused its attention on the obligations flowing from the registration of the pioneer investors and the certifying States. The issues related, *inter alia*, to the following matters: (i) exploration in the area reserved for activities by the Authority (para. 12 (a) (i) of resolution II and para. 14 of LOS/PCN/L.41/Rev.1, annex); (ii) annual fixed fee of \$US 1 million (para. 7 (b) of resolution II); and (iii) training of personnel (para. 12 (a) (ii) of resolution II).

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1/ The reports of the six preceding sessions (sessions at Kingston and meetings at Geneva or New York) can be found in Law of the Sea Bulletins Nos. 3, 4, 6, 8, 10 and 12.

2/ For more detailed information relating to the registration of pioneer investors in the international sea-bed area, see Law of the Sea Bulletin, Special Issue II, of April 1988.

The issues were discussed at informal meetings. Based on the results of those consultations, the Chairman submitted on 3 March 1989 a paper containing his views on the discharge of obligations by the registered pioneer investors and their certifying States. The main proposal of the paper was to give the pioneer investors a remission from the payment of the annual fixed fee of \$US 1 million; they would then be required to undertake a five-year programme of exploration of a mine site for the Enterprise in the reserved area to the value of \$US 1 million per annum. The remission would be retroactive to the date of registration, i.e., 1987. The pioneer investors would also be required to undertake a programme of training free of cost to develop a pool of personnel for the future Enterprise.

It became apparent that certain matters relating to the discharge of obligations such as an agreement on a plan for exploration required the assistance of the Group of Technical Experts. The Group met from 7 to 16 August at United Nations Headquarters (see LOS/PCN/108). It proposed an exploration plan for the consideration of the Preparatory Commission (LOS/PCN/BUR/R.5).

The Group was also requested to assist the Preparatory Commission on matters relating to the training of personnel taking into account the work done by the Ad Hoc Working Group on Training in Special Commission 2 (LOS/PCN/SCN.2/L.6/Rev.1). The Group identified the priority disciplines for training, the skills required and the areas of training in preparation for deep sea-bed mining (LOS/PCN/BUR/R.6).

In the light of the reports of the Group of Technical Experts and as a result of further consultations, the Chairman submitted on 1 September 1989 a revision of his paper of 3 March 1989.

Preparation of draft agreements, rules, regulations  
and procedures for the International Sea-Bed Authority

At both the seventh session and the summer meeting of the Commission, the plenary dealt with the following matters: (a) a proposal submitted by the delegation of the European Economic Community (EEC) with respect to the voting rights of international organizations; (b) an examination of matters relating to the establishment of a finance committee; (c) the special procedure for the approval of plans of work; and (d) the draft headquarters agreement.

During the debate on the EEC proposal, the following issues were identified as requiring further attention: quorum for opening of meetings and quorum for decision-making; definition of the expression "members present and voting"; and consequences of a transfer of competence. The Chairman will undertake consultations before the discussion on the matter is resumed in the plenary.

The plenary discussed the question of the establishment of a finance committee. The main issues were the composition of the committee, its functions and decision-making. A general trend emerged that both the Assembly and the Council of the International Sea-Bed Authority would need the assistance and advisory expertise of a subsidiary organ on financial matters. A proposal that States with the highest contributions to the administrative

budget of the Authority should have a right to a substantial representation on the finance committee proved a most controversial issue. On the question of decision-making, it was the general view that it was necessary to avoid any rule that would paralyse the Committee's work. The discussion in the plenary and in an informal consultation revealed that composition, functions and decision-making were viewed as three main, closely linked elements which required an integrated solution.

The plenary had a very brief discussion on the question of special procedures for the approval of plans of work. It was agreed that, as far as decision-making procedures for the approval of plans of work were concerned, they would form part of the rules of procedures of the Legal and Technical Commission; and that applications for the approval of plans of work would be considered in the Commission in accordance with the Regulations on Prospecting, Exploration and Exploitation of Polymetallic Nodules in the Area.

#### Special Commission 1 1/

Special Commission 1 is mandated to undertake studies on the problems which would be encountered by developing land-based producer States likely to be most seriously affected by the production of minerals derived from the Area, with a view to minimizing their difficulties and helping them to make the necessary economic adjustment, including studies on the establishment of a compensation fund, and to submit recommendations to the International Sea-Bed Authority thereon.

At the seventh session, a list of 66 provisional conclusions was prepared that will form the basis of the Commission's recommendations to the Authority. The provisional conclusions fall under the following headings: projection of production from the Area; relationship between production from the Area and existing land-based production; identification, definition and measurement of effects on developing land-based producer States; determination of the problems/difficulties that would be encountered by the affected developing land-based producer States; and formulation of measures to minimize problems/difficulties of affected developing land-based producer States (LOS/PCN/SCN.1/1989/CRP.16).

The Commission began the first reading of its provisional conclusions and has discussed 18 of them.

The Ad Hoc Working Group continued its negotiations on certain unresolved issues, particularly those concerning the system of compensation for developing land-based producer States which would be adversely affected by deep sea-bed mining and the question of subsidization of deep sea-bed mining.

During the next session, the consideration of the remaining provisional conclusions will be resumed.

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1/ See reports of the Chairman of Special Commission 1 (LOS/PCN/L.68 and LOS/PCN/L.73).



Special Commission 2 1/

Special Commission 2 is charged with the preparation of the establishment of the Enterprise - the operational arm of the International Sea-Bed Authority.

The Special Commission considered the structure and organization of the Enterprise and the drafting of a training programme under paragraph 12 (a) (ii) of resolution II.

The Chairman's Advisory Group on Assumptions continued to monitor metal price movements, long-term projections and technical developments relating to sea-bed mining.

The Ad Hoc Working Group on Training, established to prepare draft principles, policies, guidelines and procedures for the training programme, completed its work at the spring session of the Preparatory Commission.

At the summer meeting of the Preparatory Commission, the Special Commission adopted a draft proposal to establish a training programme for the Enterprise which was adopted by the plenary on 31 August 1989 (LOS/PCN/SCN.2/L.6/Rev.1).

It has been noted that the adoption of the training programme represents "the first concrete preparatory measure taken by the signatories to the United Nations Convention on the Law of the Sea on behalf of and for the benefit of the future Enterprise of the Authority" (LOS/PCN/L.75/Add.1, para. 1).

The Special Commission completed an article-by-article review of the provisions of the Convention relating to the structure and organization of the Enterprise (LOS/PCN/SCN.2/WP.16).

At its next session, the Special Commission will take up for consideration the implementation of the training programme, transitional arrangements for the Enterprise and exploration under paragraph 12 of resolution II.

Special Commission 3 2/

Special Commission 3, which is preparing the rules, regulations and procedures for the exploration and exploitation of the deep sea-bed, concluded the first reading of the draft regulations on the transfer of technology until 10 years after commencement of commercial production by the Enterprise, together with the amendments contained in document LOS/PCN/SCN.3/WP.14. Among the issues discussed were limitations on undertakings (art. 97), scope of the regulations (art. 90) and the procedure for obtaining technology (art. 94), all of which are contained in document LOS/PCN/SCN.3/WP.6/Add.4.

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1/ See reports of the Chairman of Special Commission 2 (LOS/PCN/L.70 and LOS/PCN/L.75 and Add.1).

2/ See reports of the Chairman of Special Commission 3 (LOS/PCN/L.69 and LOS/PCN/L.74).

On the issue of limitations on undertakings, concern was expressed that national security considerations could be used by industrialized States as a loophole to avoid fulfilling their obligations to transfer technology. On the other hand, it was stated that the inclusion of article 302 of the Convention, permitting limitations on undertakings on the basis of national security, was warranted and that the existence of such a provision was a sine qua non.

The scope of the draft regulations applies only to the transfer of technology used in exploration and exploitation of polymetallic nodules in the Area. It was pointed out that it would be difficult to conceive of an integrated operation to be carried out by the Enterprise that would exclude processing. It was difficult to understand why the transfer of technology would be limited only to the recovery of polymetallic nodules, while the Enterprise was in fact going to be involved in processing. It was pointed out that such transfer was limited to activities in the Area and that activities in the Area did not, under the Convention, cover processing.

Some delegations proposed that the Secretary-General of the International Sea-Bed Authority be empowered to invoke the undertakings since that was considered to be an administrative matter. Giving such discretionary power to the Secretary-General would simplify the procedures and ensure the timely and effective operation of the Enterprise. If such a responsibility were given to the Council, the procedure would become too time-consuming and cumbersome and the Enterprise would be subject to a political body that would interfere with the sound commercial principles upon which the Enterprise was going to operate. The Enterprise must be guided by market principles and have sufficient autonomy to carry out its tasks.

Another view expressed was that the mandatory transfer of technology should not become an automatic transfer and that the Enterprise should be subject to the directives and control of the Council in accordance with article 170 of the Convention.

At the summer meeting of the Preparatory Commission, the Special Commission embarked on the first reading of the draft regulations on production authorization.

The Special Commission will continue its consideration of the draft regulations on production authorizations (LOS/PCN/SCN.3/WP.6/Add.1). At the spring session of 1990 at Kingston, the Special Commission will take up a new subject, namely, the protection and preservation of the marine environment from activities in the Area.

A seminar on production policies was held at United Nations Headquarters under the aegis of Special Commission 3, on 15 and 17 August 1989.

Special Commission 4 1/

Special Commission 4, which is dealing with the preparation of recommendations regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea, completed the examination of the draft protocol on the privileges and immunities of the International Tribunal for the Law of the Sea (LOS/PCN/SCN.4/WP.6). The Secretariat was requested to revise the draft in the light of the suggestions made.

At the summer meeting of the Preparatory Commission, the Special Commission discussed the issues concerning the principles governing the relationship agreements between the Tribunal and the United Nations, as well as its specialized agencies, the International Sea-Bed Authority and other international institutions and organizations.

The Chairman continued his informal consultations on matters relating to the seat of the Tribunal. These were held with the Chairman of the Group of 77, and with a number of interested delegations, including the delegation of the Federal Republic of Germany.

On the question concerning the prompt release of vessels and crews, the Special Commission has approved redrafts of the relevant provisions of the draft rules of the Tribunal.

At the eighth session, the Special Commission will take up for consideration the institutional structure and initial staffing needs of the International Tribunal for the Law of the Sea. It will also continue the examination of the main issues relating to the draft agreements to be concluded between the Tribunal and the United Nations, the International Court of Justice and the International Sea-Bed Authority and, if necessary, with other international bodies having competence in the field of the law of the sea and relevant ocean affairs.

The Chairman will also continue informal consultations on the questions related to the seat of the Tribunal, with a view to reaching a generally acceptable solution.

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1/ See reports of the Chairman of Special Commission 4 (LOS/PCN/L.71 and Corr.1 and LOS/PCN/L.76).

B. Table of members, observers and participants  
of the Preparatory Commission a/

Seventh session (Kingston and New York)

STATES	Kingston b/		New York c/	
	Member/ Observer	Participant	Member/ Observer	Participant
Afghanistan	M		M	
Albania* d/				
Algeria	M	x	M	x
Angola	M	x	M	x
Antigua and Barbuda	M		M	
Argentina	M	x	M	x
Australia	M	x	M	x
Austria	M	x	M	x
Bahamas	M		M	
Bahrain	M		M	
Bangladesh	M	x	M	x
Barbados	M		M	
Belgium	M	x	M	x
Belize	M		M	
Benin	M		M	x
Bhutan	M		M	
Bolivia	M	x	M	x
Botswana	M		M	
Brazil	M	x	M	x
Brunei Darussalam	M		M	
Bulgaria	M	x	M	x
Burkina Faso	M		M	x
Burundi	M		M	
Byelorussian SSR	M	x	M	x
Cameroon	M	x	M	x
Canada	M	x	M	x
Cape Verde	M	x	M	x
Central African Republic	M		M	
Chad	M		M	
Chile	M	x	M	x
China	M	x	M	x
Colombia	M	x	M	x
Comoros	M		M	
Congo	M	x	M	
Costa Rica	M		M	
Côte d'Ivoire	M	x	M	x
Cuba	M	x	M	x
Cyprus	M	x	M	
Czechoslovakia	M	x	M	x
Democratic Kampuchea	M		M	

STATES	Kingston		New York	
	Member/ Observer	Participant	Member/ Observer	Participant
Democratic People's Rep. of Korea	M	x	M	x
Democratic Yemen	M	x	M	
Denmark	M	x	M	x
Djibouti	M		M	
Dominica	M		M	
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Dominican Republic	M		M	
Ecuador	O	x	O	x
Egypt	M	x	M	x
El Salvador	M		M	
Equatorial Guinea	M		M	
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Ethiopia	M		M	
Fiji	M		M	x
Finland	M	x	M	x
France	M	x	M	x
Gabon	M	x	M	x
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Gambia	M		M	
German Democratic Republic	M	x	M	x
Germany, Federal Republic of	O	x	O	x
Ghana	M	x	M	x
Greece	M	x	M	x
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Grenada	M		M	
Guatemala	M		M	
Guinea	M		M	x
Guinea-Bissau	M	x	M	x
Guyana	M		M	
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Haiti	M	x	M	x
Holy See	O		O	
Honduras	M		M	
Hungary	M	x	M	x
Iceland	M		M	
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India	M	x	M	x
Indonesia	M	x	M	x
Iran (Islamic Republic of)	M	x	M	x
Iraq	M		M	x
Ireland	M	x	M	x
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Israel	O		O	
Italy	M	x	M	x
Jamaica	M	x	M	x
Japan	M	x	M	x
Jordan	O		O	

STATES	Kingston		New York	
	Member/ Observer	Participant	Member/ Observer	Participant
Kenya	M	x	M	x
Kiribati*				
Kuwait	M	x	M	x
Lao People's Democratic Rep.	M		M	
Lebanon	M		M	
Lesotho	M		M	
Liberia	M	x	M	x
Libyan Arab Jamahiriya	M	x	M	x
Liechtenstein	M		M	
Luxembourg	M		M	
Madagascar	M	x	M	x
Malawi	M		M	
Malaysia	M	x	M	x
Maldives	M		M	
Mali	M		M	x
Malta	M	x	M	x
Mauritania	M		M	
Mauritius	M		M	x
Mexico	M	x	M	x
Monaco	M		M	
Mongolia	M		M	
Morocco	M	x	M	x
Mozambique	M	x	M	x
Myanmar	M	x	M	x
Nauru	M		M	
Nepal	M		M	
Netherlands	M	x	M	x
New Zealand	M	x	M	x
Nicaragua	M		M	
Niger	M		M	
Nigeria	M	x	M	x
Norway	M	x	M	x
Oman	M		M	x
Pakistan	M	x	M	x
Panama	M	x	M	
Papua New Guinea	M	x	M	
Paraguay	M		M	
Peru	O	x	O	x
Philippines	M	x	M	x
Poland	M	x	M	x

STATES	Kingston		New York	
	Member/ Observer	Participant	Member/ Observer	Participant
Portugal	M	x	M	x
Qatar	M		M	x
Republic of Korea	M	x	M	x
Romania	M		M	
Rwanda	M		M	
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St. Kitts and Nevis	M		M	
Saint Lucia	M		M	
St. Vincent and the Grenadines	M		M	
Samoa	M		M	
San Marino*				
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Sao Tome and Principe	M		M	
Saudi Arabia	M	x	M	x
Senegal	M	x	M	x
Seychelles	M		M	
Sierra Leone	M		M	
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Singapore	M		M	
Solomon Islands	M		M	
Somalia	M	x	M	x
South Africa	M		M	
Spain	M	x	M	x
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Sri Lanka	M	x	M	x
Sudan	M	x	M	x
Suriname	M	x	M	x
Swaziland	M	x	M	x
Sweden	M	x	M	x
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Switzerland	M	x	M	x
Syrian Arab Republic*				
Thailand	M	x	M	x
Togo	M	x	M	x
Tonga*				
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Trinidad and Tobago	M	x	M	x
Tunisia	M	x	M	x
Turkey*				
Tuvalu	M		M	
Uganda	M	x	M	x
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Ukrainian SSR	M	x	M	x
Union of Soviet Socialist Reps.	M	x	M	x
United Arab Emirates	M	x	M	x
United Kingdom	O	x	O	x
United Republic of Tanzania	M	x	M	x

STATES	Kingston		New York	
	Member/ Observer	Participant	Member/ Observer	Participant
United States of America	O		O	
Uruguay	M		M	
Vanuatu	M	x	M	x
Venezuela	O	x	O	x
Viet Nam	M		M	x
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Yemen	M		M	
Yugoslavia	M	x	M	x
Zaire	M	x	M	x
Zambia	M	x	M	x
Zimbabwe	M	x	M	x
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ENTITIES (Art. 305(1)(b),(c),(d),(e) and (f))				
Cook Islands	M		M	
European Economic Community	M	x	M	x
Namibia (United Nations Council for Namibia)	M	x	M	x
Netherlands Antilles	O		O	
Niue	M		M	
Trust Territory of the Pacific Islands	O		O	
West Indies Associated States*				
NATIONAL LIBERATION MOVEMENTS				
African National Congress of South Africa	O	x	O	x
Palestine Liberation Organization e/	O		O	
Pan Africanist Congress of Azania	O	x	O	x
South West Africa People's Organization	O		O	
TOTAL MEMBERS	159	90	159	95
TOTAL OBSERVERS	<u>15</u>	<u>7</u>	<u>15</u>	<u>7</u>
GRAND TOTAL	174	97	174	102
	===	===	===	===

a/ States and other entities which are members or observers of the Preparatory Commission as defined in resolution I, paragraph 2, of the Third United Nations Conference on the Law of the Sea, are indicated by an "M" for members or an "O" for observers. Those States or entities indicated by an "x" participated in the session or the meeting.

b/ Held from 27 February to 23 March 1989 at Kingston.

c/ Held from 14 August to 1 September 1989 in New York.

d/ Those States indicated by an asterisk (\*) signed neither the Convention nor the Final Act.

e/ In accordance with General Assembly resolution 43/177 of 15 December 1988, as of that date, the designation "Palestine" should be used in place of the designation "Palestine Liberation Organization".



C. List of documents of the General Committee and of  
the seventh session of the Preparatory Commission

General Committee

- LOS/PCN/BUR/R.5 Report of the Group of Technical Experts to the General Committee of the Preparatory Commission [16 August 1989]
- LOS/PCN/BUR/R.5/Corr.1 Corrigendum [26 October 1989]
- LOS/PCN/BUR/R.6 Report of the Group of Technical Experts to the General Committee of the Preparatory Commission [17 August 1989]

Seventh session

- LOS/PCN/INF/16 Delegations to the seventh session, Kingston, Jamaica, 27 February-23 March 1989 [17 March 1989]
- LOS/PCN/INF/17 Delegations to the meeting of the Preparatory Commission, New York, 14 August-1 September 1989 [12 September 1989]
- LOS/PCN/103 Provisional agenda [7 February 1989]
- LOS/PCN/105 Credentials of representatives to the seventh session of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea. Report of the Credentials Committee [16 March 1989]
- LOS/PCN/106 Letter dated 15 March 1989 from the Chairman of the delegation of the Federal Republic of Germany addressed to the Special Representative of the Secretary-General for the Law of the Sea [17 March 1989]
- LOS/PCN/107 Letter dated 22 March 1989 from the Chairman of the Group of 77 addressed to the Chairman of the Preparatory Commission [22 March 1989]
- LOS/PCN/108 Decision adopted by the Preparatory Commission at its 50th Plenary meeting, held on 14 August 1989 [30 August 1989]

- LOS/PCN/L.68 Statement to the plenary by the Chairman of Special Commission 1 on the progress of work in that Commission  
[17 March 1989]
- LOS/PCN/L.69 Statement to the plenary by the Chairman of Special Commission 3 on the progress of work in that Commission  
[22 March 1989]
- LOS/PCN/L.70 Statement to the plenary by the Chairman of Special Commission 2 on the progress of work in that Commission  
[22 March 1989]
- LOS/PCN/L.71 Statement to the plenary by the Chairman of Special Commission 4 on the progress of work in that Commission  
[21 March 1989]
- LOS/PCN/L.71/Corr.1 Corrigendum  
[10 May 1989]
- LOS/PCN/L.72 Statement to the plenary by the Chairman of the Preparatory Commission  
[22 March 1989]
- LOS/PCN/L.73 Statement to the plenary by the Chairman of Special Commission 1 on the progress of work in that Commission  
[30 August 1989]
- LOS/PCN/L.74 Statement to the plenary by the Chairman of Special Commission 3 on the progress of work in that Commission  
[30 August 1989]
- LOS/PCN/L.75 Statement to the plenary by the Chairman of Special Commission 2 on the progress of work in that Commission  
[31 August 1989]
- LOS/PCN/L.75/Add.1 Addendum  
[31 August 1989]
- LOS/PCN/L.76 Statement to the plenary by the Chairman of Special Commission 4 on the progress of work in that Commission  
[31 August 1989]
- LOS/PCN/L.77 Statement by the Chairman of the Preparatory Commission  
[31 August 1989]

- LOS/PCN/WP.36/Rev.2 Draft rules of procedure of the Economic Planning Commission. Working paper by the Secretariat  
[3 February 1989]
- LOS/PCN/WP.47 Draft Agreement between the International Sea-Bed Authority and Jamaica regarding the Headquarters of the International Sea-Bed Authority. Working paper by the Secretariat  
[21 February 1989]
- LOS/PCN/WP.48 Suggested amendments to the working paper by the Secretariat on the Finance Committee (LOS/PCN/WP.45).  
Proposals by the delegations of Belgium, Germany, Federal Republic of, Italy, the Netherlands and the United Kingdom of Great Britain and Northern Ireland  
[6 March 1989]
- LOS/PCN/WP.49 Draft Protocol on the Privileges and Immunities of the International Sea-Bed Authority. Working paper by the Secretariat  
[29 August 1989]
- LOS/PCN/1989/CRP.29 Provisional time table  
[27 February 1989]
- LOS/PCN/1989/CRP.30 Provisional list of delegations  
Kingston, Jamaica, 27 February-23 March 1989  
[7 March 1989]
- LOS/PCN/1989/CRP.31 Sources of the provisions of the draft Agreement between the International Sea-Bed Authority and Jamaica regarding the Headquarters of the International Sea-Bed Authority. Working paper by the Secretariat (English only)  
[9 March 1989]
- LOS/PCN/1989/CRP.32 Provisional timetable  
[14 August 1989]
- LOS/PCN/1989/CRP.33 Suggested amendments to the draft Agreement between the International Sea-Bed Authority and Jamaica regarding the Headquarters of the International Sea-Bed Authority (LOS/PCN/WP.47). Working paper by the Secretariat  
[21 August 1989]
- LOS/PCN/1989/CRP.34 Provisional list of delegations  
New York, 14 August-1 September 1989  
[24 August 1989]

Special Commission 1

- LOS/PCN/SCN.1/WP.2/Add.5      Basic data and information of relevance to the work of Special Commission 1. Background paper by the Secretariat.  
Addendum  
[27 February 1989]
- LOS/PCN/SCN.1/WP.2/Add.6      Basic data and information of relevance to the work of Special Commission 1. Background paper by the Secretariat.  
Recycling of copper, nickel, cobalt and manganese: Additional information.  
Addendum  
[28 February 1989]
- LOS/PCN/SCN.1/WP.2/Add.7      Basic data and information of relevance to the work of Special Commission 1. Background paper by the Secretariat.  
Substitution and the copper, nickel, cobalt and manganese industries.  
Addendum  
[22 February 1989]
- LOS/PCN/SCN.1/WP.5/Add.3      Information on existing international or multilateral economic measures which could be of relevance to the work of Special Commission 1. Report on the work of the Third Regional Conference on the Development and Utilization of Mineral Resources in Africa.  
Addendum  
[16 February 1989]
- LOS/PCN/SCN.1/1989/CRP.15      Draft recommendations on the orderly and rational management of the resources of the Area.  
Proposal by Australia  
[14 March 1989]
- LOS/PCN/SCN.1/1989/CRP.16      Provisional conclusions of the deliberations of Special Commission 1 which can form the basis of its recommendations to the International Sea-Bed Authority. Suggestions by the Chairman  
[20 March 1989]
- LOS/PCN/SCN.1/1989/CRP.17      Suggestions by the delegation of Pakistan on remedial measures to alleviate problems that affect developing land-based producers for consideration by Special Commission 1  
[16 March 1989]

- LOS/PCN/SCN.1/1989/CRP.18 Criteria for the identification of land-based producer States actually or likely to be affected by sea-bed production. Suggestions by the Chairman of the Ad Hoc Working Group of Special Commission 1  
[17 March 1989]
- LOS/PCN/SCN.1/1989/CRP.18/  
Add.1 Addendum  
[30 August 1989]
- LOS/PCN/SCN.1/1989/CRP.19 Compensation for developing land-based producer States affected by sea-bed production. Suggestions by the Chairman of the Ad Hoc Working Group of Special Commission 1  
[23 October 1989]

Special Commission 2

- LOS/PCN/SCN.2/L.6 Draft principles, policies, guidelines and procedures for a Preparatory Commission training programme  
[21 July 1989]
- LOS/PCN/SCN.2/L.6/Rev.1 Revision  
[18 August 1989]
- LOS/PCN/SCN.2/WP.16 Provisions of the Convention relating to the structure and organization of the Enterprise. Working paper by the Secretariat  
[22 February 1989]
- LOS/PCN/SCN.2/WP.17 Exploration for deep-sea polymetallic nodules. Working paper by the Secretariat  
[10 March 1989]
- LOS/PCN/SCN.2/1989/CRP.4 Draft guidelines and procedures for the implementation of the training programme  
[20 March 1989]

Special Commission 3

- LOS/PCN/SCN.3/WP.6/Add.2/  
Rev.1 Draft regulations on prospecting, exploration and exploitation of polymetallic nodules in the Area. Part VI.  
A. Draft financial terms of contract.  
B. Draft regulations on financial incentives.  
Working paper by the Secretariat as revised by the Chairman.  
Addendum  
[25 May 1989]

- LOS/PCN/SCN.3/WP.14 Suggested amendments to the draft regulations on prospecting, exploration and exploitation of polymetallic nodules in the Area (LOS/PCN/SCN.3/WP.6/Add.4). Part VII. Transfer of technology. Proposals by the Group of 77 [8 March 1989]
- LOS/PCN/SCN.3/WP.14/Corr.1 Corrigendum [17 May 1989]
- LOS/PCN/SCN.3/1989/CRP.8 Future work programme of Special Commission 3 and list of remaining items to be considered. Submitted by the Chairman of Special Commission 3 [21 March 1989]
- LOS/PCN/SCN.3/1989/CRP.9 Production authorizations. Explanatory note prepared by the Secretariat [18 August 1989]
- Special Commission 4
- LOS/PCN/SCN.4/L.10/Add.1 Chairman's summary of discussions. Revised draft rules of International Tribunal for the Law of the Sea (LOS/PCN/SCN.4/WP.2/Rev. 1 (Part I)). Addendum [14 August 1989]
- LOS/PCN/SCN.4/L.10/Add.1/ Corr.1 Corrigendum [31 August 1989]
- LOS/PCN/SCN.4/L.13 Chairman's summary of discussions. Draft Protocol on the Privileges and Immunities of the International Tribunal for the Law of the Sea [18 January 1989]
- LOS/PCN/SCN.4/WP.7 Issues concerning relationship agreements between the International Tribunal for the Law of the Sea and other international organizations. Working paper by the Secretariat [20 March 1989]
- LOS/PCN/SCN.4/1989/CRP.31 Proposal submitted by France regarding the draft Convention/Protocol on the Privileges and Immunities of the International Tribunal for the Law of the Sea (LOS/PCN/SCN.4/WP.6) [9 March 1989]

- LOS/PCN/SCN.4/1989/CRP.32      Suggested redraft of article 93 in document  
LOS/PCN/SCN.4/WP.2/Rev.1/Part I.  
Submitted by the delegation of Japan  
[14 March 1989]
- LOS/PCN/SCN.4/1989/CRP.33      Suggested redraft of article 14 bis  
(LOS/PCN/SCN.4/WP.6).  
Submitted by the delegation of the Ukrainian  
Soviet Socialist Republic  
[21 March 1989]
- LOS/PCN/SCN.4/1989/CRP.34      Proposals submitted by Belgium relating to the  
draft Convention on the Privileges and  
Immunities of the International Tribunal for the  
Law of the Sea (LOS/PCN/SCN.4/WP.6)  
[16 August 1989]
- LOS/PCN/SCN.4/1989/CRP.35      Suggested article 16 bis (LOS/PCN/SCN.4/WP.6).  
Submitted by the delegation of the Federal  
Republic of Germany  
[16 August 1989]
- LOS/PCN/SCN.4/1989/CRP.36      Indicative list of issues specific to  
relationship agreements between the  
International Tribunal for the Law of the Sea  
and the United Nations, the International  
Sea-Bed Authority, the International Court of  
Justice and specialized agencies of the United  
Nations with relevant competences.  
Note by the Secretariat  
[28 August 1989]
- LOS/PCN/SCN.4/1989/CRP.37      Suggested redraft of Article 90, paragraph 1, and  
Article 93 (LOS/PCN/SCN.4/WP.2/Rev.1/Part I).  
Submitted by the delegation of the United  
Republic of Tanzania on behalf of the Group  
of 77; the delegation of France on behalf of the  
delegations of Belgium, Denmark, the Federal  
Republic of Germany, Greece, Ireland, Italy,  
Luxembourg, the Netherlands, Portugal, Spain and  
the United Kingdom of Great Britain and Northern  
Ireland; the delegation of Japan; and the  
delegation of the Union of Soviet Socialist  
Republics  
[29 August 1989]

#### IV. OTHER INFORMATION

##### A. Expert group meeting on marine scientific research

United Nations Headquarters  
5-8 September 1989

A group of high-level technical experts was convened at Headquarters from 5 to 8 September to examine the issue of marine scientific research in areas subject to national jurisdiction. The Group was asked to assist in the preparation of a practical guide for States in the application of the provisions of the United Nations Convention on the Law of the Sea concerning the conduct of marine scientific research.

In order to assist States, the main objective of the meeting was to examine the procedures to be followed in the implementation of the relevant provisions of the Convention. The experts were asked to conduct their discussions on the basis of a draft paper prepared by the Office for Ocean Affairs and the Law of the Sea entitled "Marine scientific research: a guide to the implementation of the provisions of the United Nations Convention on the Law of the Sea", to be published in 1990 as a United Nations sales publication. A compilation of national legislation on such research had also been prepared by the secretariat to assist the group and was issued as a United Nations publication (see section C.19, below).

Before the adoption of the 1982 Convention on the Law of the Sea there was no detailed regulation of marine scientific research. The 1958 Geneva Convention on the Continental Shelf made only a brief mention of the issue (art. 5 (8)), specifying that the "consent of the coastal State shall be obtained in respect of any research concerning the continental shelf", although, normally, the coastal State shall not withhold its consent in the case of "purely scientific research".

That phrasing, with its application only to the continental shelf and its reference to "purely scientific research", was so ambiguous that it inevitably led to many difficulties between States. Since then, an entirely new zone of national jurisdiction, i.e., the exclusive economic zone, has emerged and was firmly embodied in the 1982 Convention.

Under the 1982 Convention, there are new rules dealing specifically with the conduct of marine scientific research. The Convention guarantees the right of all States to conduct such research subject to the rights and duties of other States, particularly the coastal States, in areas under their sovereignty and jurisdiction. Coastal States possess the exclusive right to authorize and regulate marine scientific research in their territorial sea. In the exclusive economic zone and on the continental shelf, coastal States have the right to authorize and regulate such research and, in normal circumstances, they shall grant consent for marine marine scientific research except in certain specific instances identified in the Convention.



Overall, the Convention requires all States and competent international organizations to promote and facilitate the development and conduct of marine scientific research. To follow up these basic principles, States are required to establish regulations to put new rules into effect.

The draft paper on "Marine scientific research" which was considered at the meeting, was intended to serve as a basis for the uniform implementation of the Convention's provisions, providing practical guidelines for both researching States and coastal States in taking a series of actions related to the conduct of marine scientific research.

A similar meeting of technical experts held in 1987 resulted in the publication of another practical guide on the drawing of baselines from which the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf are measured (see section C.14, below).

Members of the Expert Group served in their personal capacity and were from the following countries: Algeria, Brazil, Canada, Chile, China, Egypt, Fiji, France, Germany, Federal Republic of, India, Indonesia, Italy, Japan, Mexico, the Netherlands, Pakistan, Portugal, Spain, the Soviet Union, the United Kingdom, the United Republic of Tanzania and the United States.

B. Expert group meeting on sea-use planning and coastal area management

Santiago, Chile  
28 November-1 December 1989

The Latin American and Caribbean experience in sea-use planning and coastal area management was the subject of an in-depth review and analysis at an expert group meeting held at Santiago, Chile, from 28 November to 1 December 1989.

The meeting, organized jointly by the United Nations Office for Ocean Affairs and the Law of the Sea, and the Economic Commission for Latin America and the Caribbean (ECLAC), provided participants from the region as well as experts from outside the area with an opportunity to report on their national experiences and explore new developments and programmes that could be of benefit in coastal and ocean management.

Sea-use planning and coastal area management have gained wider recognition and increasing importance with the adoption of the United Nations Convention on the Law of the Sea and the extension of national jurisdiction over vast ocean areas and resources under the concept of the exclusive economic zone. In order to benefit fully from the provisions of the Convention, States have found it advantageous to adopt an integrated management programme for a wide variety of ocean uses, such as fisheries, tourism and offshore resource recovery. It is intended that such a programme also strive to minimize what is often an inherent conflict among those uses.

Experts from Costa Rica, Ecuador, Chile, Brazil, Colombia and Jamaica addressed the meeting on their national experiences, emphasizing a variety of concerns that included tourism development, coastal management projects and environmental aspects. In addition, experts from the Netherlands, the United Kingdom and the United States reported on other theoretical developments and coastal and ocean management experiences in their respective countries.

Representatives of Chile's Ministry for Foreign Affairs, Institute of International Studies, Diplomatic Academy, Department of the Navy and Scientific and Technical Institutes were present at the opening session.

In addition, representatives of specialized agencies and organizations of the United Nations system and other regional organizations attended the meeting and spoke on a number of topics related to sea-use planning. Among those participating were representatives of the following: the Office for Ocean Affairs and the Law of the Sea, addressing the question in the framework of the Convention and human resource development in sea-use planning; ECLAC, speaking on its programme of activities in marine affairs and the law of the sea; the United Nations Environment Programme (UNEP), addressing its action plan in the Caribbean; and the Food and Agriculture Organization of the United Nations (FAO), focusing on its Exclusive Economic Zone programme.

Other participants included the Intergovernmental Oceanographic Commission (IOC); the United Nations Educational, Scientific and Cultural Organization (UNESCO); and the Permanent Commission for the South Pacific (CPPS).

The expert group meeting, the first organized by the Office for Ocean Affairs and the Law of the Sea on this topic, was designed as part of the Office's ongoing programme of assistance and advice to States in the implementation of the Convention on the Law of the Sea.

The Convention, which was adopted in 1982 and which is currently only 18 ratifications short of the 60 required for its entry into force, emphasizes that the problems of ocean space are closely interrelated and need to be considered as a whole. It recognizes that an integrated approach must be aimed at the equitable and efficient utilization of ocean resources, the conservation of living resources and the study, protection and preservation of the marine environment.

Previous studies of the Office have concluded that one of the essential requirements for the integration of the marine dimension into national developmental schemes is that ability to prepare effectively and implement an integrated strategy for the management of marine resources and ocean space. However, those studies have found that a majority of countries lacked the infrastructure and required expertise to undertake integrated marine development programmes. Often, marine planning is designed to focus on a single economic function, such as offshore resource recovery or fisheries, without taking into account the different aspects of marine development.

One of the goals of the expert group meeting was to address this deficiency and identify areas for future national action and regional co-operation.

C. United Nations sales publications prepared by the  
Office for Ocean Affairs and the Law of the Sea

1. The law of the sea: official text of the United Nations Convention on the Law of the Sea with annexes and index, Final Act of the Third United Nations Conference on the Law of the Sea - introductory material on the Convention and the Conference. 1983. 224 p. \$12.95.  
Sales No. E.83.V.5 (Arabic, Chinese, English, French, Russian, Spanish).
2. The law of the sea: a select bibliography (LOS/LIB/1). 1985. 91 p. \$12.00.  
Sales No. E.85.V.2 (English only).
3. The law of the sea: status of the United Nations Convention on the Law of the Sea. 1985. 46 p. \$8.00.  
Sales No. E.85.V.5 (Arabic, Chinese, English, French, Russian, Spanish).
4. The law of the sea: master file containing references to official documents of the Third United Nations Conference on the Law of the Sea. 1985. 176 p. \$19.50  
Sales No. E.85.V.9 (English, French, Spanish).
5. The law of the sea: national legislation on the exclusive economic zone, the economic zone and the exclusive fishery zones. 1986. 337 p. \$35.00.  
Sales No. E.85.V.10 (English only).
6. The law of the sea: multilateral treaties relevant to the United Nations Convention on the Law of the Sea. 1985. 108 p. \$14.50.  
Sales No. E.85.V.11 (English, French, Spanish).
7. The law of the sea: pollution by dumping - legislative history of articles 1(5), 210 and 216 of the United Nations Convention on the Law of the Sea. 1985. 77 p. \$11.50.  
Sales No. E.85.V.12 (English, French, Spanish).  
Corrigendum (English only) dated February 1986.
8. The law of the sea: a select bibliography (LOS/LIB/2). 1987. 84 p. \$11.50.  
Sales No. E.87.V.2 (English only).
9. The law of the sea: current developments in State practice, No. I. 1987. 225 p. \$23.00.  
Sales No. E.87.V.3 (English, French, Spanish).
10. The law of the sea: rights of access of land-locked States to and from the sea and freedom of transit - legislative history of Part X, articles 124 to 132 of the United Nations Convention on the Law of the Sea. 1987. 126 p. \$19.00.  
Sales No. E.87.V.5 (English, French, Spanish).
11. The law of the sea. Régime of islands: legislative history of Part VIII (article 121) of the United Nations Convention on the Law of the Sea. 1988. 124 p. \$13.50.  
Sales No. E.87.V.11 (English, French, Spanish).

12. The law of the sea: maritime boundary agreements (1970-1984). 1987.  
297 p. \$38.00.  
Sales No. E.87.V.12 (English, French, Spanish).
13. The law of the sea: a select bibliography (LOS/LIB/3). 1988. 49 p.  
\$9.50.  
Sales No. E.88.V.2 (English only).
14. The law of the sea. Baselines: an examination of the relevant provisions  
of the United Nations Convention on the Law of the Sea. 1989.  
70 p. \$8.50.  
Sales No. E.88.V.5 (Arabic, English, French, Spanish).
15. The law of the sea: navigation on the high seas - legislative history  
of Part VII, Section I (articles 87, 89, 90-94, 96-98) of the United  
Nations Convention on the Law of the Sea. 1989. 91 p. \$12.00.  
Sales No. E.89.V.2 (English, French, Spanish).
16. The law of the sea: a select bibliography-1988 (LOS/LIB/4). 1989.  
63 p. \$11.00.  
Sales No. E.89.V.3 (English only).
17. The law of the sea: national legislation on the continental shelf.  
1989. 289 p. \$30.00.  
Sales No. E.89.V.5 (English, French, Spanish).
18. The law of the sea: current developments in State practice, No. II.  
1989. 212 p. \$23.00.  
Sales No. E.89.V.7 (English, French, Spanish).
19. The law of the sea: national legislation, regulations and supplementary  
documents on marine scientific research in areas under national  
jurisdiction. 1989. 292 p. \$32.00.  
Sales No. E.89.V.9 (English, French, Spanish).

Note: All the above sales publications should be ordered directly from  
United Nations Publications, Room DC2-0853, New York, NY 10017, USA  
Telephone: (212) 963-8302.

20. Annual review of ocean affairs : law and policy, main documents,  
1985-1987. Compiled and edited by the United Nations Office for  
Ocean Affairs and the Law of the Sea. Vols. I and II (1989).  
UNIFO Publishers, Inc. / Lloyd's of London Press Ltd. 1989.  
\$185.00.  
Annual.  
ISBN: 0-89111-025-9.  
ISSN: 1040-824X.

Note: This is not a United Nations sales publication. Orders should be  
directed to UNIFO Publishers, Inc., P.O.Box 3858, Sarasota,  
Florida 34230, USA or alternatively, the co-publisher, Lloyds of London  
Press, Marketing Section, Legal Publishing Division, Sheepen Place,  
Colchester, Essex, CO3 3LP, England.

(Decree on foreign marine scientific research in the territorial sea, on the continental shelf and in the fishery zone of the German Democratic Republic: Marine Research Decree of 23 March 1989)

D. Corrigendum to Bulletin No. 13 of May 1989

1. Page 32, article 4, title

The title should read

"Marine scientific research on the continental shelf and in the fishery zone".

2. Page 33, article 6 (b), eighth and ninth sentences

The sentences should read

"- with an assessment of such data and samples and of the research results;"